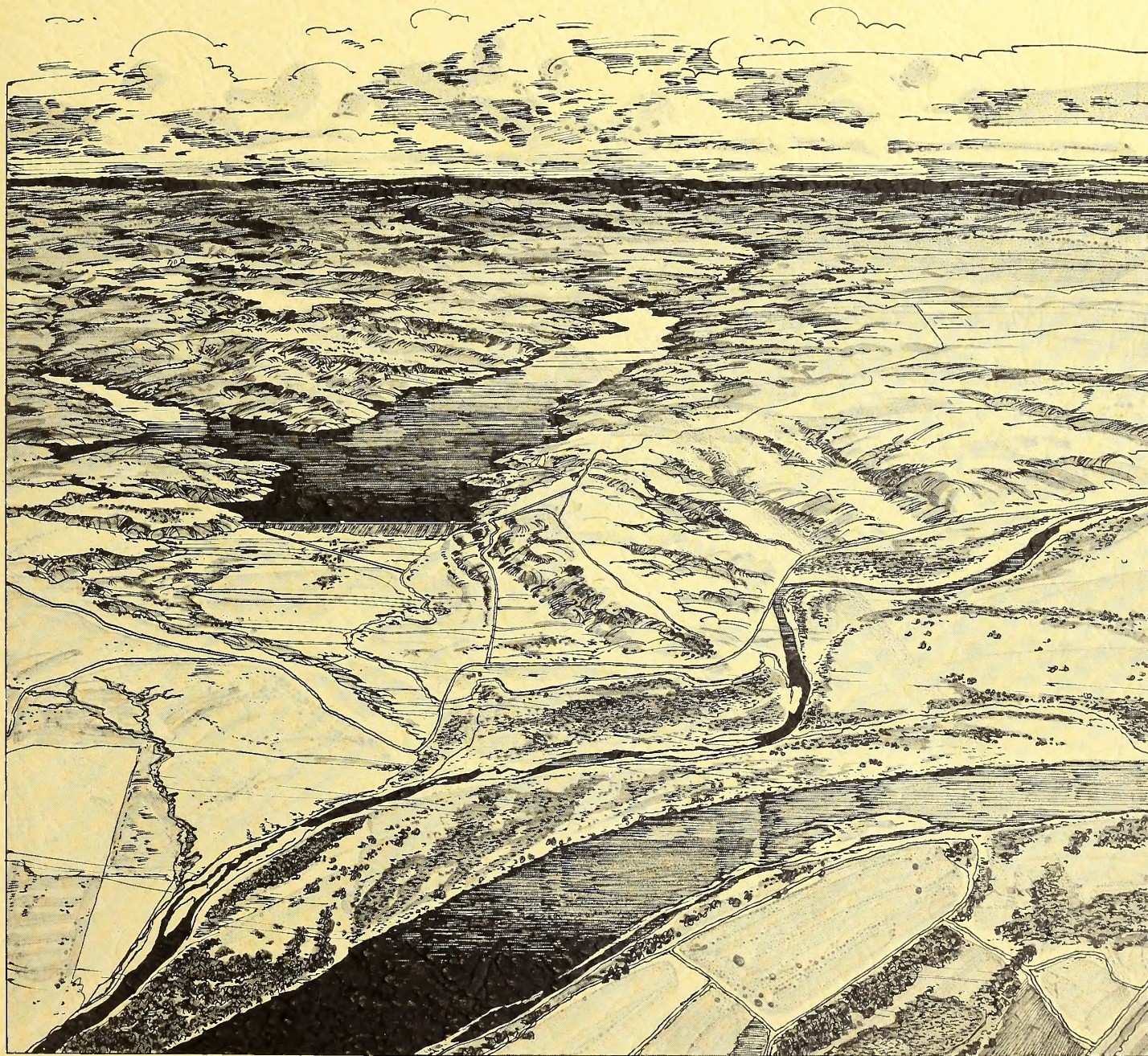


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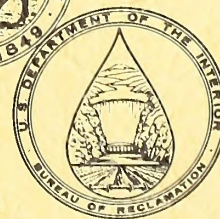
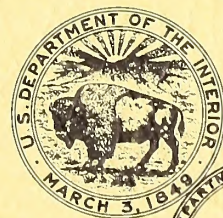
Final Environmental Statement,
Yellowstone Diversion Project,
Dawson County, Montana,

Intake Water Company



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Upper Missouri Region

P.O. Box 2553

Billings, Montana 59103

C-1

IN REPLY
REFER TO:

Dear Reader:

This Final Environmental Impact Statement (FEIS) is furnished for your information and use. It has been prepared as a result of comments received by the Bureau of Reclamation during the public review of the Draft Environmental Impact Statement (DEIS).

This final EIS is an abbreviated form consistent with the intent of the Council on Environmental Quality Regulations, in that certain portions of the Draft EIS have not been reproduced. For complete EIS coverage, a copy of the Draft and Final EIS must be used together. If you received an Executive Summary of the Draft EIS, it and the Final EIS Summary (pages iv - viii) are comparable.

A copy of the DEIS may be obtained upon request to:

Regional Director
Upper Missouri Region
Bureau of Reclamation
P. O. Box 2553
Billings, MT 59103

Should you desire to offer written comments on the content of this Final EIS, they will be considered as part of the Federal Decision process if received by the Bureau of Reclamation prior to the time the decisions are made. Addresses and time limit are indicated at the bottom of the cover sheet in the Final EIS.

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P.O. Box 25047
Denver, CO 80225

**ENVIRONMENTAL STATEMENT
ON THE
YELLOWSTONE DIVERSION PROJECT
DAWSON COUNTY, MONTANA**

INTAKE WATER COMPANY

Prepared by:

In Cooperation With:

**Espey, Huston & Associates, Inc.
for
Bureau of Reclamation (Lead Agency)
Upper Missouri Region
Billings, Montana**

**U.S. Army Corps of Engineers
U.S. Bureau of Land Management
U.S. Fish and Wildlife Service**

ABSTRACT: This Statement analyzes the environmental impacts of the proposed Yellowstone Diversion Project facilities and offstream storage of Intake Water Company's (IWC's) existing appropriation of 80,650 acre-feet per year (ac-ft/yr) of water from the Yellowstone River in eastern Montana. Alternatives examined include no action, water sources, and project sites. The proposed facilities, which include an earthen dam and associated offstream regulating reservoir of approximately 750 acres; a diversion, intake screening and pumping facility; 2.2 miles of two parallel 42-inch diameter pipelines; and a 4-mile electric transmission line, are designed to provide about 78,000 ac-ft of water on a firm annual yield basis to potential industrial, municipal, and agricultural users in IWC's intended service area, located within portions of Dawson and Wibaux Counties in Montana, and portions of Golden Valley County, North Dakota.

This statement is intended to serve as the environmental review or consultation vehicle to comply with the Clean Water Act.

The Draft Environmental Impact Statement was filed with the Environmental Protection Agency and made available to the public on December 22, 1982. The Final Environmental Impact Statement was filed with the Environmental Protection Agency and made available to the public in April, 1983. Federal decision on this program will not be made until at least 30 days after the Environmental Protection Agency Final Environmental Impact Statement "Notice of Availability" has appeared in the Federal Register. During that 30-day period, written comments on the content of the Final Environmental Impact Statement will be accepted at the address noted below. These comments will be considered in the Federal decision process.

STATUS: FINAL ENVIRONMENTAL STATEMENT

Statement Number:

FES 83-31

Date filed with EPA:

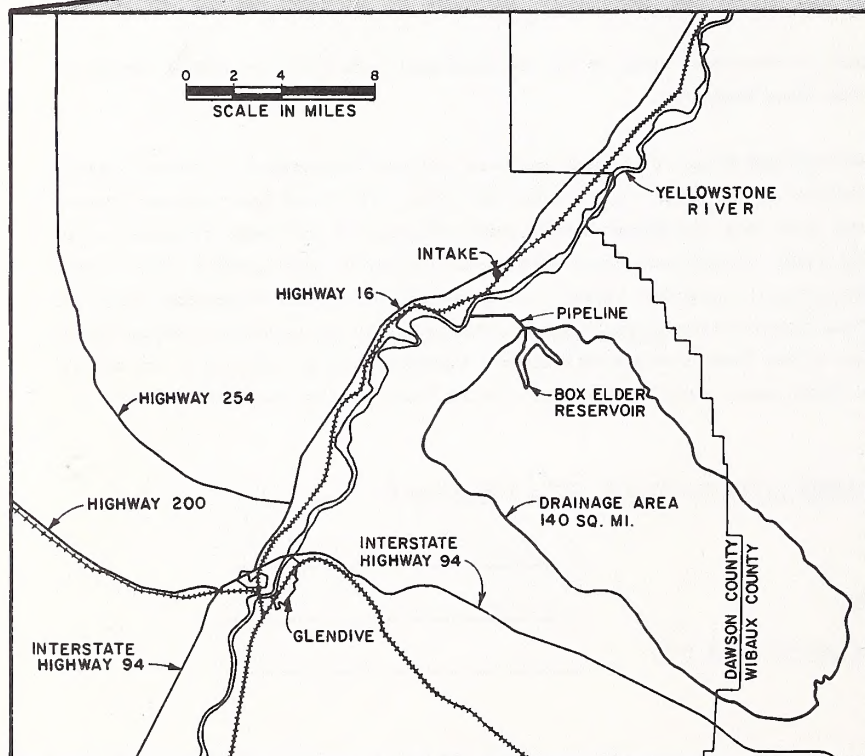
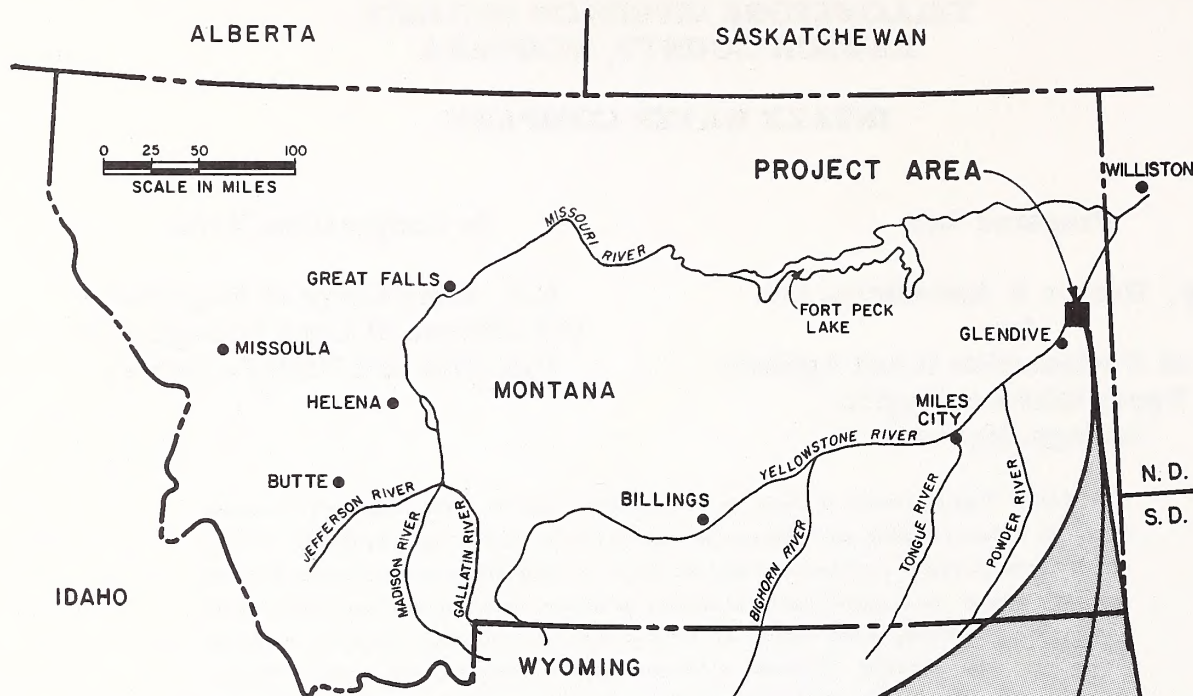
6-15-83



Comments should be received by:

For further information contact:

**E.P. (Lee) Denson
Bureau of Reclamation
Upper Missouri Region
P. O. Box 2553
Billings, Montana 59103
Commercial (406) 657-6558
FTS 585-6558**

**Jerry H. Koblitiz
Espey, Huston & Associates, Inc.
7800 East Union Avenue, Ste. 930
Denver, Colorado 80237
(303) 694-0808**



	INTAKE WATER COMPANY HOUSTON, TEXAS	
YELLOWSTONE DIVERSION PROJECT		
FIGURE 1		
PROJECT LOCATION MAP		
Yellowstone River, Dawson County, MT.		

**ENVIRONMENTAL STATEMENT
ON THE
YELLOWSTONE DIVERSION PROJECT
DAWSON COUNTY, MONTANA**

INTAKE WATER COMPANY

Prepared by:

In Cooperation With:

**Espey, Huston & Associates, Inc.
for
Bureau of Reclamation (Lead Agency)
Upper Missouri Region
Billings, Montana**

**U.S. Army Corps of Engineers
U.S. Bureau of Land Management
U.S. Fish and Wildlife Service**

ABSTRACT: This Statement analyzes the environmental impacts of the proposed Yellowstone Diversion Project facilities and offstream storage of Intake Water Company's (IWC's) existing appropriation of 80,650 acre-feet per year (ac-ft/yr) of water from the Yellowstone River in eastern Montana. Alternatives examined include no action, water sources, and project sites. The proposed facilities, which include an earthen dam and associated offstream regulating reservoir of approximately 750 acres; a diversion, intake screening and pumping facility; 2.2 miles of two parallel 42-inch diameter pipelines; and a 4-mile electric transmission line, are designed to provide about 78,000 ac-ft of water on a firm annual yield basis to potential industrial, municipal, and agricultural users in IWC's intended service area, located within portions of Dawson and Wibaux Counties in Montana, and portions of Golden Valley County, North Dakota.

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STATUS: FINAL ENVIRONMENTAL STATEMENT

Statement Number: _____

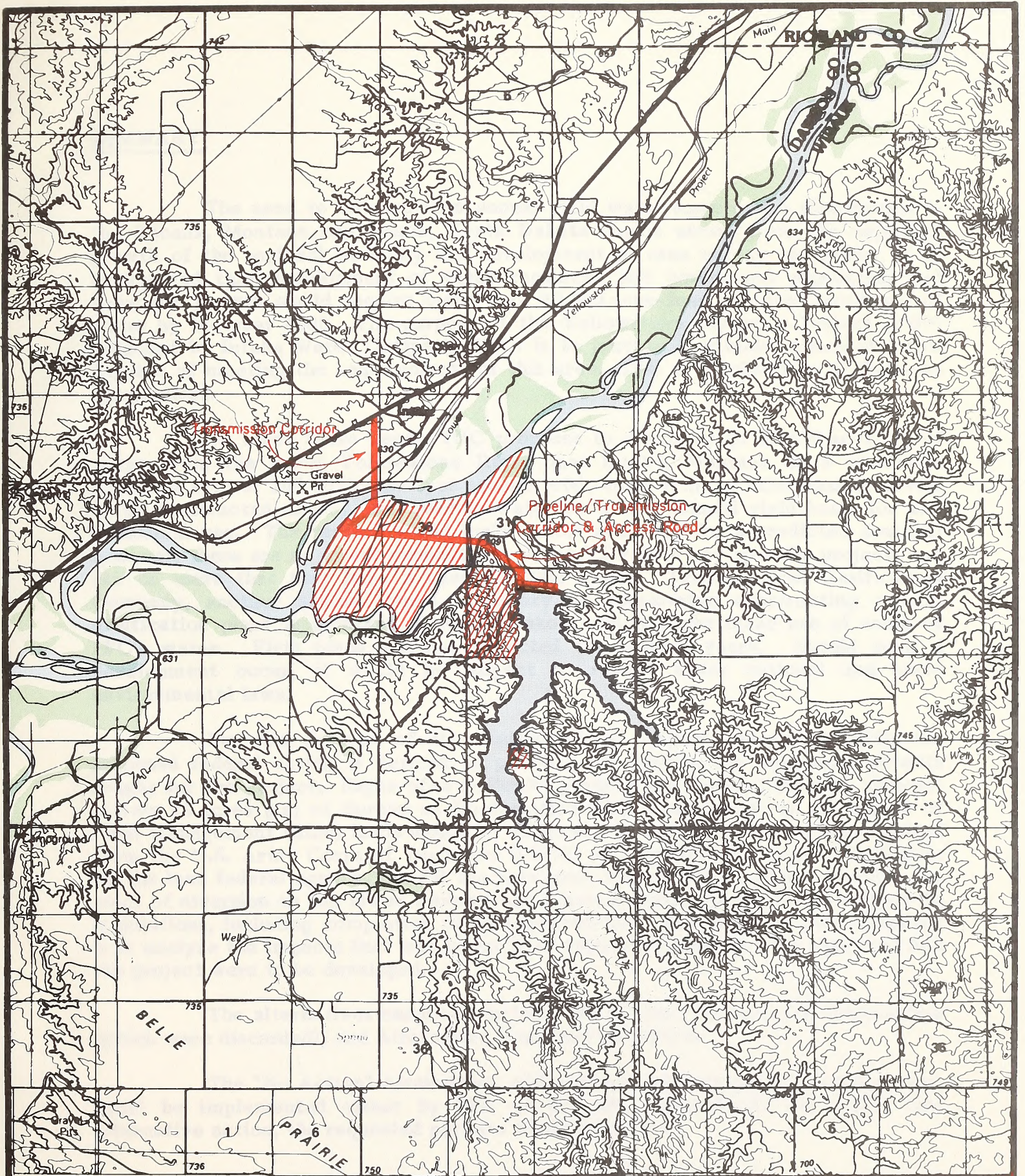
Date filed with EPA: _____

Comments should be received by: _____


For further information contact:

**E.P. (Lee) Denson
Bureau of Reclamation
Upper Missouri Region
P. O. Box 2553
Billings, Montana 59103
Commercial (406) 657-6558
FTS 585-6558**

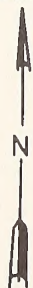
**Jerry H. Koblitiz
Espey, Huston & Associates, Inc.
7800 East Union Avenue, Ste. 930
Denver, Colorado 80237
(303) 694-0808**



 Federal Lands

 Area of Disturbance

Note: Elevation in meters



YELLOWSTONE DIVERSION PROJECT

Figure II-2
BOX ELDER PREFERRED ALTERNATIVE
GENERAL PLAN



SCALE IN MILES

SUMMARY

The need to develop firm annual yield water supplies for distribution in the Wibaux, Montana and Beach, North Dakota region stems from the expected growth of the regional economy and development of area energy resources. It is anticipated that development of these resources and consequent population and economic growth would require more than 30,000 acre-feet per year (ac-ft/yr) of water by the year 2000. The purpose of the Yellowstone Diversion Project (YDP) proposed by Intake Water Company (IWC) is to provide a reliable source of water capable of meeting the requirements of this area. IWC is a subsidiary of Tenneco Corporation.

To meet these needs, IWC proposes to divert up to 80,650 ac-ft/yr of water from the lower Yellowstone River near Intake, Montana at a maximum diversion rate of 200 cubic feet per second (cfs), store it in an offstream reservoir to be constructed nearby, and provide water on a firm annual yield basis for any beneficial use. The project would make water available for a predicted demand; however, there are no direct connections of the YDP with any specific project, end use or users that may have a need for this water. Tenneco Coal Gasification Company, another wholly owned subsidiary, is considering constructing a coal gasification plant in Montana or North Dakota which might make use of some of IWC's water. Firm plans are not expected for several years. Should such a development occur, it would be subject to review under national and state environmental laws.

For the purpose of this Environmental Impact Statement (EIS), the proposed federal action is defined as granting or denying the necessary permits sought for the project. Right-of-way (ROW) permits are required because approximately 95 acres (ac) of Bureau of Reclamation (BR) lands and 40 ac of Bureau of Land Management (BLM) lands would be affected. In addition, permits are required from the U.S. Army Corps of Engineers (USCE) to construct the project facilities. As the lead federal agency, the BR has previously issued IWC a license to utilize the point of diversion on the lower Yellowstone River located on Joe's Island subject to stipulations, including completion of an approved EIS. The intent of this document is to analyze the impacts that may occur if all requested permits were approved and the project were to be developed.

The alternatives examined include "No Action", Preliminary Alternatives (which were discarded), and Alternative Reservoir Locations.

The "No Action" Alternative, which would preclude project development, could be implemented either by IWC or the BR. Should the BR select this alternative action, the requested permits would be denied.

Preliminary alternatives which were examined include groundwater and surface water sources other than the Yellowstone River. These were eliminated from further consideration because of:

- 1) inadequate and unreliable firm annual yield;
- 2) unreliable water quality;
- 3) environmental impact with associated project development; and
- 4) costs of development.

The area of the lower Yellowstone River proximal to the intended service area was examined for a potential point of diversion. The point of diversion on Joe's Island (which was specified in the Notice of Appropriation filed 8 June 1973 and upheld as an existing water right by the Montana Supreme Court) was selected for the following reasons:

- 1) consistent water elevations;
- 2) channel morphology conducive for intake construction;
- 3) proximity to intended service area;
- 4) proximity to potential reservoir sites; and
- 5) overall project costs.

Because no water sources could furnish an uninterrupted supply of water during low flow conditions, IWC studied three alternative reservoir locations within the Box Elder Creek drainage: Denny's, Belle Prairie, and Box Elder, each with storage capacities of 27,000, 20,500 and 25,000 ac-ft, respectively.

The Denny's Alternative was eliminated because:

- 1) site investigations and economic evaluations revealed that the Denny's site would develop water at the highest cost;
- 2) construction of 2 miles (mi) of access road through rugged terrain would adversely contribute to environmental impacts; and
- 3) cultural resource surveys identified areas of cultural value in and around the site.

The Belle Prairie Alternative was examined in greater detail. Geotechnical investigations revealed thick alluvial deposits underlying the entire reservoir area. This alternative was eliminated because these conditions would allow excessive rates of seepage losses beneath the dam and around the reservoir. Therefore, it was determined that this alternative would be unfeasible.

The Box Elder Preferred Alternative was investigated and found to be a suitable site. Project facilities of this preferred alternative include:

- 1) a reservoir of approximately 25,000 ac-ft covering 750 surface ac;

- 2) a 2300-ft long, 100-ft high earthen dam with embankment protection;
- 3) construction of outlet works and pump station below the dam;
- 4) diversion and pumping facilities on Joe's Island capable of diverting water at a maximum rate of 200 cfs;
- 5) approximately 11,700 ft of two parallel 42-in buried pipelines;
- 6) a transmission line of approximately 4 mi; and
- 7) construction of a side channel bridge and access road on Joe's Island.

Potential impacts associated with the preferred alternative have been analyzed and, where possible, mitigative measures have been recommended and agreed upon. The following include these potential impacts and mitigative measures.

- 1) Affected land for the project would include 891 ac. Of that, it is anticipated that 86 ac would be revegetated following construction of facilities. Federal lands involved in the project include 95 ac of BR lands on Joe's Island and in the reservoir site and 40 ac of BLM lands in the reservoir site.
- 2) Access to the Island pumping station would be from an all-weather bridge and gravel road paralleling the pipeline corridor. The gravel road would be constructed to existing contour so as not to impede flood or ice flow. Access to the reservoir would be from existing roads and trails.
- 3) Potential impacts of the project on the Yellowstone River include: no predictable effects on flood flow and/or ice movement; reduction in annual yield of 80,650 ac-ft/yr; no impact on senior water rights; no anticipated effect on channel characteristics; maximum stage decrease (withdrawal of 200 cfs at flow of 2200 cfs) of 0.75 to 0.8 in and maximum decrease in wetted perimeter of 1.5 to 4.0 ac/river mi during at least one day per year based on the majority of years in the period of record; maximum decrease in flow velocity less than 0.1 ft/sec; negligible effect on water quality from construction disturbance and reduction in annual yield.
- 4) Potential impacts of the project on Box Elder Creek include: inundation of 4.1 stream mi; 1.6 mi of creek below the dam is anticipated to become perennial due to seepage and natural flows of the creek being passed through the reservoir; water quality changes in the lower 1.6 mi would reflect water quality of the reservoir and would include a slight decrease in summer temperature, dissolved oxygen, pH, and suspended solids with a slight increase in dissolved solids; substrate of the lower 1.6 mi would maintain sands and gravels with limited sedimentation.

- 5) The reservoir would cause a minimal increase in subsurface ground-water levels within lateral and downstream areas. Drains and a cutoff trench would limit downstream seepage (calculated to be less than 100 ac-ft/yr). Seepage of higher quality surface water would improve groundwater quality.
- 6) Eight vegetation types within the 891 ac would be affected by the project including big sagebrush-saltbush-rabbitbrush (60 ac), silver sagebrush grassland (600 ac), upland grassland (15 ac), juniper breaks (14 ac), hardwood draw (161 ac), dryland cropland (2 ac), riparian forest (33 ac), and rose-snowberry (6 ac). Revegetation of disturbed areas would be accomplished by seeding with approved species.
- 7) Potential impact on wildlife include loss of habitats described above; loss of a limited number of immobile mammals from construction; limited potential impact on birds from transmission line collision; increased potential for hunting, poaching, and human disturbance from project related access of Joe's Island and the reservoir site; reduced grazing and improved habitat on land purchased but not needed for project purposes.
- 8) Potential impacts to aquatic environs include: Negligible impacts to the Yellowstone River from limited disturbance, sedimentation control, and limited loss of wetted perimeter due to withdrawal; conversion of 4.1 mi (5.0 ac) of Box Elder Creek habitat to reservoir habitat; 1.6 mi of Box Elder Creek becoming perennial stream habitat; loss of potential fish migration within lower Box Elder Creek; increased potential for fishing from project related access of Joe's Island; creation of reservoir sport fishery; minimizing impact to downstream fish spawning habitat during April and May by limiting withdrawal (whenever possible) to river flows of greater than 5000 cfs; intake structure design to minimize impingement and entrainment of fish.
- 9) No impact on threatened or endangered plant or animal species.
- 10) No impact on prime farmlands.
- 11) Creation of approximately 120 temporary construction related jobs. Negligible impact on existing community infrastructure due to construction or operation of the project.
- 12) Potential improvement to area recreation from increased opportunity of hunting, fishing and boating by providing access and facilities on Joe's Island and the reservoir site.

- 13) Positive affects of project construction and operation on the regional economy through employment and increased tax base; loss of grazing potential from development of project lands; reduction of annual hydropower generation on the Missouri River; energy consumption to pump water to reservoir; no impact to mineral development on project related lands.
- 14) Screening of facilities with trees and painting structures to blend into the surroundings would minimize deterioration of visual quality.
- 15) No significant cultural resources are present on the project site.

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
<u>SUMMARY</u>	iv
<u>INTRODUCTION</u>	1
 <u>APPENDIX</u>	
A. Consultation and Coordination	A-1
B. Distribution List	B-1
C. Comments and Responses	C-1
D. Environmental Commitments	D-1

INTRODUCTION

This supplement to the Draft Environmental Statement (DES) on the Yellowstone Diversion Project (YDP) contains copies of comments received by the Bureau of Reclamation from Federal and State agencies, local entities, and individuals. These comments were presented orally or in writing for inclusion in the official proceedings at the February 16, 1983 public hearing in Glendive, Montana, or received by mail. Each comment has been addressed, where required or appropriate, and appears with the comment letter. Comments received at the public hearing have been paraphrased with no duplication of questions or requests for information.

This Final Environmental Statement (FES) is designed to accompany the Draft Environmental Statement and responds to comments including clarification of information. No changes have been made to the text of the DES.

CONSULTATION AND COORDINATION

Distribution and Review of the Draft Environmental Impact Statement

The DES for the YDP was released on December 22, 1982, and the "Notice of Availability" was published in the Federal Register on December 28, 1982. Copies of the Draft Environmental Impact Statement and copies of all referenced technical reports were available for review at Bureau of Reclamation offices in Billings, Montana; Washington, D.C.; and Denver, Colorado. Draft Environmental Statements were available for review in most area libraries (See Distribution List).

Public Hearing

A formal public hearing was held on Wednesday, February 16, 1983, to receive comments on the Draft Environmental Statement. Notice of this public hearing on the DES was included in the December 28, 1982 Federal Register announcement. News releases announcing the hearing were given to the local media on February 4, 1983, and advertisements describing the hearing were placed in newspapers serving the area during the weeks of February 6 and 13. Interested parties who desired to comment were asked to contact the Regional Director of the Bureau of Reclamation in Billings. The hearing was held in the Petroleum Room at the Best Western Holiday Lodge, Glendive, Montana. The meeting convened at 7:00 P.M. and adjourned at about 7:50 P.M., after all who wished had testified. The hearing was chaired by Eley P. Denson, Regional Environmental Affairs Officer for the Bureau of Reclamation, Upper Missouri Region. Colonel Bill Andrews, Omaha District Engineer of the U.S. Army Corps of Engineers, jointly chaired the meeting to include public participation on their permit pending notice.

Approximately 80 people signed the attendance registration for the hearing. A total of six persons presented oral testimony. At the close of the public

hearing a question and answer period was held to aid the public in reviewing the DES and understanding the program.

A verbatim transcript of the hearing was recorded by an official reporter. This transcript has been bound and is available for public inspection at the Bureau of Reclamation in Billings, Montana; Washington, D.C.; Denver, Colorado; Montana State Planning Commission; Omaha District Office of the U.S. Corps of Engineers; and at the Glendive Public Library.

The oral comments covered the following major issues; project purpose and need; end use of the project water; water supplied for area needs; legislation governing water use in Montana; creation of new jobs; identification and value of project lands; and recreation and wildlife programs. All of these issues are discussed either as responses to written comments or responses to issues raised at the hearing.

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- A. Draft Statements distributed by the Department of Agriculture, the Wildlife and Conservation Management Division from 1960 through 1964 have been received.

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Federal Energy Regulatory Commission
Environmental Protection Agency, Federal Environmental Agency, Region VII
Department of Health and Human Services, Federal Environmental Agency, Region VII
Region VII

Congressional Members

Honorable Frank Lautenberg, U.S. Senator, New Jersey, 1960-1964
U.S. Washington, D.C. 20540
Honorable Pat Williams, U.S. Congressman, Representative, 1961-1964
U.S. Washington, D.C. 20540
Honorable Max Baucus, U.S. Senator, 1961-1964
U.S. Washington, D.C. 20540
Honorable John Chafee, U.S. Senator, 1961-1964
U.S. Washington, D.C. 20540

- B. Draft Statements distributed to the Regional Director for Environmental

Department of the Interior

Special Assistant to the Secretary, Western State Region
Building 61, Room 401, Federal Center, Denver, CO 80202
Regional Director, U.S. Fish and Wildlife Service, 1800 West 9th Avenue,
Denver, CO 80202

DISTRIBUTION LIST

- A. Draft Statements distributed by the Commissioner of Reclamation for Review and Comment: (*Indicates Entities from Whom Comments Have Been Received)

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Assistant Secretary, Indian Affairs
Director, Bureau of Mines
Director, U.S. Fish and Wildlife Service
Director, National Park Service
Director, U.S. Geological Survey
Missouri River Basin States Association

Other Federal Agencies

Advisory Council on Historic Preservation
Department of Agriculture
Director of Civil Works, Corps of Engineers
Department of Health, Education, and Welfare
Department of Transportation, Regional Director, Region VIII
Department of Health and Human Services
Federal Energy Regulatory Commission
Environmental Protection Agency, Regional Administrator, Region VIII
Department of Housing and Urban Development, Regional Administrator,
Region VIII

Congressional Delegation

Honorable Ronald Marlenee, State Congressional Representative, 409 Cannon
HOB, Washington, D.C. 20515
Honorable Pat Williams, State Congressional Representative, 1233 Longworth
HOB, Washington, D.C. 20515
Honorable Max Baucus, Office of the Senator, 1107 Dirksen SOB, Washington,
D.C. 20510
Honorable John Melcher, Office of the Senator, 253 Russell SOB, Washington,
D.C. 20510

- B. Draft Statements distributed by the Regional Director for information:

Department of the Interior

Special Assistant to the Secretary, Missouri Basin Region,
Building 67, Room 688, Denver Federal Center, Denver, CO 80225
Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue,
Denver, CO 80215

Honorable Ronald Marlenee, State Congressional Representative,
2717 1 Ave. N., Billings, MT 59101

Honorable Pat Williams, State Congressional Representative, P.O. Box 1981,
Helena, MT 59601

C. Draft Statements distributed by the Regional Director inviting comments:

- * Honorable Ted Schwinden, Governor of Montana, State Office Building,
Helena, MT 59601
Director, State Clearinghouse, 1424 9th Avenue, Helena, MT 59601
Department of Community Affairs, Eastern Montana Field Office,
Hagenstrom Building, Glendive, MT 59330
Director, Montana Environmental Quality Council, Capitol Building,
Room 138, Helena, MT 59601
Director, Montana Department of Fish, Wildlife and Parks, 1420 East Sixth
Avenue, Helena, MT 59601
- * State Historic Preservation Officer, 225 North Roberts Street, Helena, MT
59601
Director, Department of Health and Environmental Sciences, Capitol Station,
Helena, MT 59601
Director, Department of Natural Resources and Conservation, Natural
Resources Building, Helena, MT 59601
Honorable Allen I. Olson, Governor of North Dakota, State Capitol,
Bismarck, ND 58501
Director, North Dakota State Planning Division, State Capitol, Bismarck, ND
58505
- * Director, Missouri Department of Natural Resources, P. O. Box 176, Jefferson
City, MO 65102
Chairman, Northern Plains Resource Council, 421 Stapleton Building, Billings,
MT 59101
- * Ms. Connie L. Eaton, Northern Plains Resource Council, Field Office, Box 886,
Glendive, MT 59330
- * Gentry Land and Livestock Company, Belle Prairie Route, Glendive, MT 59330
Mr. Patrick Carnahan, 97 Lawrence Drive, Longmeadow, MA 01106
Center for Public Interest, Inc., P.O. Box 931, Bozeman, MT 59715
League of Women Voters of Montana, 3220 Country Club Circle, Billings, MT
59101
County Agent, Dawson County, Glendive, MT 59330
Mr. Gottlieb Schmierer, President, Savage Irrigation District, 7th Avenue,
S.W., Sidney, MT 59270
Mr. George Rice, President, Intake Irrigation District, Intake Route,
Glendive, MT 59330
Mr. Glen Asbeck, President, Lower Yellowstone Irrigation District No. 1,
7th Avenue, S.W., Sidney, MT 59270
Mr. Gene Denowh, President, Lower Yellowstone Irrigation District No. 2,
7th Avenue, S.W., Sidney, MT 59270

- * Area Manager, U.S. Fish and Wildlife Service, 316 North 26th Street,
Federal Building, Room 3035, Billings, MT 59101
- * Area Director, Bureau of Indian Affairs, P.O. Box 30157, Billings, MT
59107
- State Director, Bureau of Land Management, 316 N. 26th, Billings, MT 59101
- * District Manager, Bureau of Land Management, P.O. Box 940, Miles City, MT
59301
- * Chief, Intermountain Field Operation Center, Bureau of Mines, Building 20,
Denver Federal Center, Denver, CO 80225
- * Regional Director, Rocky Mountain Region, National Park Service, 655 Parfet,
P. O. Box 25287, Denver, CO 80225
- Regional Hydrologist, Water Resources Division, U.S. Geological Survey,
Building 25, Denver Federal Center, Denver, CO 80225
- District Chief, Water Resources Division, U.S. Geological Survey,
Federal Building, Drawer 10076, Helena, MT 59626

Other Federal Agencies

- Regional Director, Economic Development Administration, Suite 300,
333 West Colfax Avenue, Denver, CO 80204
- State Conservationist, Soil Conservation Service, Bozeman, MT 59715
- * Area Conservationist, Soil Conservation Service, Glendive, MT 59330
- Director, Regional Technical Service Center, Soil Conservation Service,
134 S. 12th Street, Lincoln, NE 68508
- * District Engineer, Omaha District, Corps of Engineers, 7410 U.S. Post Office
and Courthouse, 215 N. 17th Street, Omaha, NE 68101
- Administrator, Western Area Power Administration, 1536 Cole Blvd.,
P.O. Box 3402, Golden, CO 80401
- * Regional Administrator, U.S. Environmental Protection Agency,
1860 Lincoln St., Denver, CO 80295
- * Chief, Environmental Affairs Group, Department of Health and Human
Services, Center for Disease Control, Atlanta, GA 30333
- * Director, Department of Housing and Urban Development, Region VIII,
1405 Curtis Street, Denver, CO 80202
- * Director, Department of Transportation, Region VIII, 555 Zang Street,
Denver, CO 80225

Congressional Delegation

- Honorable Max Baucus, Office of the Senator, 2708½ 1 Ave. N., Billings, MT
59103
- Honorable John Melcher, Office of the Senator, 316 N. 26th, Billings, MT
59103

- Mr. Wayne Heimbuch, President, Yellowstone Basin Water User Association,
P.O. Box 886, Glendive, MT 59330
- * Mr. Curt Meeds, President, Holiday Lodge, P. O. Box 741, 222 N. Kendrick,
Glendive, MT 59330
 - * Mr. Vern Lindquist, President, Lower Yellowstone Outdoors Assoc., Box 571,
Glendive, MT 59330
 - * Mr. Joe J. Kojancik, Mayor, Town of Wibaux, Wibaux, MT 59393

County Commissioners

Montana

Custer County Commissioners, Courthouse, Miles City, MT 59301
 Prairie County Commissioners, Courthouse, Terry, MT 59349
 Dawson County Commissioners, Courthouse, Glendive, MT 59330
 Richland County Commissioners, Courthouse, Sidney, MT 59270
 Wibaux County Commissioners, Courthouse, Wilboux, MT 59353
 Dawson County Conservation District, Courthouse, Glendive, MT 59330

North Dakota

Golden Valley County Commissioner, Courthouse, Beach, ND 58621

City Councils

Montana

City Council, Glendive, MT 59330
 City Council, Wibaux, MT 59353

North Dakota

City Council, Beach, ND 58621

Public Libraries

Montana

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59801
 Billings Parmly Library, 510 N. Broadway, Billings, MT 59101
 Miles City Public Library, 1 S. 10th Street, Miles City, MT 59301
 Glendive Public Library, 106 S. Kendrick, Glendive, MT 59330
 Sidney Public Library, 121 3rd Ave. NW, Sidney, MT 59270
 Wibaux Public Library, Box 332, Wibaux, MT 59353
 Lewis and Clark Public Library, 120 Last Chance Mall, Helena, MT 59601

North Dakota

Golden Valley Public Library, Beach, ND 58621

LETTERS OF COMMENT

APPENDIX C DES COMMENTS AND RESPONSES

Letter
Number
Agency, Organization or Individual

1	USDI, Bureau of Indian Affairs
2	USDI, Bureau of Land Management
3	USDI, Bureau of Mines
4	USDI, Fish and Wildlife Service
5	USDI, National Park Service
6	USDOA, Omaha District Corps of Engineers
7	USDHHS, Public Health Service
8	USDHHS, Region VII
9	USDOT, Federal Highway Administration
10	U.S. Environmental Protection Agency, Region VIII
11	Mineral Department of Natural Resources
12	Montana Historic Society
13	State of Montana, Office of the Governor
14	Gallatin County Conservation District
15	Lower Yellowstone Outback Association
16	Town of Wisdom

LETTERS OF COMMENT

Letter

Number Agency, Organization or Individual

- 1 USDI, Bureau of Indian Affairs
- 2 USDI, Bureau of Land Management
- 3 USDI, Bureau of Mines
- 4 USDI, Fish and Wildlife Service
- 5 USDI, National Park Service
- 6 USDOA, Omaha District Corps of Engineers
- 7 USDHHS, Public Health Service
- 8 USDHUD, Region VIII
- 9 USDOT, Federal Highway Administration
- 10 U.S. Environmental Protection Agency, Region VIII
- 11 Missouri Department of Natural Resources
- 12 Montana Historic Society
- 13 State of Montana, Office of the Governor
- 14 Dawson County Conservation District
- 15 Lower Yellowstone Outdoor Association
- 16 Town of Wibaux

FEB 17 1983

REPLY TO
ATTN OF:

SUBJECT:

to:

From:

Division of Trust, Rights Protection-DQ
Review of DES on the Yellowstone Diversi
Montana (DES 82/78)

Regional Director, Attn: 150
Bureau of Reclamation, Billings, MT

Billings Area Director

The proposed project is downstream of Indian lands in Montana and Wyoming and appears to have little or no affect on Indian Water Rights. We do, however, reserve the right to comment on the final environmental statement.

Area Director

Richard J. Russell

Richard Whittsell, Area Director
Bureau of Indian Affairs

No response necessary.

OPTIONAL FORM NO. 10
(REV. 1-60)
GSA FPMR (41 CFR) 101-11.6
5010-114
U. S. GPO 1960-311-133/126



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Miles City District Office

P. O. Box 940
Miles City, Montana 59301

1792

No response necessary.

Regional Director

Attention: 150

Upper Missouri Regional Office

Bureau of Reclamation

P. C. Box 2553

Billings, Montana 59103

Dear Sir:

Please be advised that the Miles City District Office of the BLM has no comments to offer on the Draft EIS, Yellowstone Diversion Project (WY-150). Thank you for the opportunity to review it.

Sincerely yours,

Ray Buchanan

District Manager

interior

JAN 01 1983

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JAN 2 1983



United States Department of the Interior

BUREAU OF MINES

P. O. BOX 250-6
BUILDING 20, DENVER FEDERAL CENTER
DENVER, COLORADO 80225

Intermountain Field Operations Center

Joseph B. Smith, Chief
Intermountain Field Operations Center
Bureau of Mines

January 19, 1983

COMM-FHE-001
NO POST REQUIRED
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E. P. (Lee) Denson
Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
P.O. Box 2553
Billings, Montana 59103

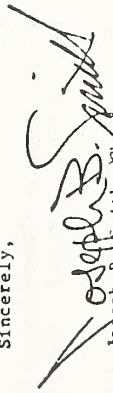
Dear Mr. Denson:

Personnel of the Intermountain Field Operations Center, Bureau of Mines, have examined the Draft Environmental Statement on Intake Water Company's Yellowstone Diversion Project, Dawson County, Montana. The statement presents an analysis of the environmental impacts of the proposed facilities and alternatives to the project. Our interest pertains largely to subsequent project impacts on mineral resources and development.

Since 1974, Dawson County has produced only petroleum, sand and gravel, and stone. Petroleum, sodium, and coal are present in the project area. Because sand and gravel, and stone are widespread, the project should not significantly affect such resources or their development. Moderate quantities of these resources may be utilized for construction activities. As mentioned in the Draft EIS, future recovery of petroleum and sodium resources should not be permanently affected by the project. Large amounts of lignite are present in adjacent Wibaux County and the additional energy from this project should aid the development of this and other energy resources in the area.

The Bureau of Mines has no additional comments on the Draft Environmental Statement.

Sincerely,


Joseph B. Smith, Chief
Intermountain Field Operations Center

No response necessary.

UNITED STATES GOVERNMENT

Memorandum

TO : Regional Director, Bureau of Reclamation, Billings, MTE:

FROM : Field Supervisor, U.S. Fish & Wildlife Service, Billings, MT (ES)

SUBJECT: Draft Environmental Statement (DES) - Intake Water Company's
Yellowstone Diversion Project, Dawson County, MT (EC82/40)

We have reviewed the subject document and have the following brief comments.

On Page III-18 of the DES it is noted that mitigation of impacts to wildlife, associated with the loss of habitat due to reservoir construction, would require some sort of "management" for wildlife on at least a portion of the lands acquired for the project. As we indicated in our June 23, 1982, letter to IWC (Exhibit C-2 in DES) and our October 14, 1982, memorandum to you, we concur with this assessment. We continue to feel that, until an agreement is reached between IWC, FWS, and the Montana Department of Fish, Wildlife and Parks (MDFWP) concerning this issue, mitigation of wildlife losses will not be complete. We feel confident however, based on our earlier cooperative efforts with IWC and MDPWP on other project-related concerns, that this issue can be satisfactorily resolved, if diligently pursued.

John G. Wood
John G. Wood

cc: OEC, Washington, D. C.
Regional Director, USFWS, Denver, CO

As indicated in Exhibit C-1 on page C-4 of the DES, IWC proposes to continue its cooperative effort concerning mitigation of potential loss of wildlife and wildlife habitat due to project development and operation. Exact location of all project lands will not be known until negotiation and purchase from the landowners. At that time, the appropriate "management" programs can be written and implemented.

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John G. Wood, Field Supervisor
U. S. Fish & Wildlife Service



United States Department of the Interior

NATIONAL PARK SERVICE
ROCKY MOUNTAIN REGIONAL OFFICE

625 Park Street
P.O. Box 25247
Denver, Colorado 80225

IN REPLY REFER TO

L7619 (RMR-PC)

1 5 28 1983

Memorandum

To: Regional Director, Upper Missouri Region, Bureau of Reclamation,
Billings, Montana

From: Regional Director, Rocky Mountain Region

Subject: Draft Environmental Impact Statement—Intake Water Company's
Yellowstone Diversion Project, Dawson County, Montana (DES 82/7E)

The National Park Service has reviewed the subject Draft Environmental
Impact Statement (EIS) and has the following comments:

The EIS should recognize that reduced water yield in the Yellowstone River
of 80,650 acre-feet per year would have corresponding reductions in the
Missouri River as it flows past Fort Union Trading Post National Historic
Site. The river is an integral part of the scene at Fort Union, lying as
it does between the fort site and the scenic easement lands on the opposite
bank.

Also, the EIS needs to recognize existence of the Lewis and Clark National
Historic Trail and needs to incorporate provisions from the Trail's approved
Comprehensive Plan for Management and Use of the Trail, including use of
cooperating agreements pertaining to use at the intake site. Excerpts
from the approved plan (3/82) are attached.

James B. Thompson
James B. Thompson

Enclosure

OFFICIAL FILE COPY

MAR 3 1983

NO REPLY NEEDED

RECEIVED ON 3-1-83

ACTED ON 3-1-83

INT. CMT. TO: 150

INT. CMT. BY: [initials]

DATE: 3-1-83

FILE NO. [initials]

James B. Thompson, Regional Director
Rocky Mountain Region
National Park Service

The Fort Union Trading Post National Historic Site is approximately 60 miles by air
to the northeast of the project site on the Missouri above the confluence with the
Yellowstone. Therefore, it would not be affected by construction or operation of
the YDP.

Early explorers of the western United States included Lewis and Clark. Their
expeditions have been recognized by the National Park Service by establishment of
the Lewis and Clark National Historic Trail. The Yellowstone River Segment of this
trail is designated as that portion of the River from Buffalo Mirage access site near
Park City, Montana, to the mouth of the Yellowstone.

The Intake Access Site is located about 1/2 mile downstream of the transmission
line crossing and 3/4 mile from the pump station. These project facilities will not
affect use of the trail or access to that site.

commemorates the attempted escape to Canada by Chief Joseph's Nez Perce band and some interpretive connection could be made between the Expedition's friendly relations with the Nez Perce and the later events that caused Chief Joseph's flight. Other interpretive opportunities along the route are the campsite of July 7, 1806, at Big Hole Pass and later history addressed at Barnack State Park, site of the first territorial capitol.

34. YELLOWSTONE RIVER SEGMENT

From the Three Forks to the mouth of the Yellowstone at the Missouri River

Recommended Types of Development:

- Motor Route - From Three Forks to Park City, Montana, following Interstate 90
- Water Trail - From Buffalo Mirage Access site near Park City, Montana, to the mouth of the Yellowstone River

On July 13, 1806, Clark and his party reached the Three Forks of the Missouri River about noon. Wasting no time, Clark directed that all baggage and equipment be would need for his Yellowstone River exploration be removed from the canoes. After lunch, Sergeant Ordway and nine men pushed on down the Missouri River in the canoes to rendezvous with the Gass detachment of Lewis' party at the Great Falls. Later in the afternoon, Clark and 12 others began their overland trek to the Yellowstone River.

Two days later they crossed Bozeman Pass and descended to the Yellowstone River. The trees along the upper Yellowstone River were not large enough to build the size of canoes Clark wanted so they continued along the River on horseback. On July 19, 1806, Clark found some cottonwoods of the appropriate size for canoes and set up camp. During the next 4 days, two dugout canoes, 28 feet long, were constructed and lashed together for stability.

On the morning of July 24, 1806, Clark once again split his party. Sergeant Pryor and three others were sent overland with the horses to the Mandan villages to contact the North West Company's Hugh Henev, whom they had met the previous year, and give him a message from Lewis and Clark asking him to persuade several Sioux chiefs to accompany the Expedition to Washington. Clark and the remaining members of his party pushed downriver in the canoes. Clark would not learn until August 8 that Sergeant Pryor's party was following him downriver in two Mandan-type bull boats (buffalo hides stretched over a wooden framework) which they had built after the Indians had stolen all of their horses.

On July 25, 1806, a stop was made by Clark on the south side of the River near a remarkable sandstone formation. Clark estimated its height to be 200 feet. He named it "Pompy's Tower" after Sacagawea's infant son, whom he had nicknamed "Pomp" or "Little Pomp." Today it is known as Pompeys Pillar.

Clark and others climbed to the top. Along the way, he inscribed his name and the date which can still be seen today.

The rest of the trip down the Yellowstone River was relatively uneventful. Early on August 3, 1806, Clark reached the mouth of the River at the Missouri River. Although he was to meet Lewis here, the mosquitoes were so bad that he left a note for Lewis and continued on down the Missouri River at a slow pace. On August 8 Sergeant Pryor caught up with them, and 4 days later Lewis and his party caught up. The entire Expedition was once again together and would remain so until their triumphant arrival in St. Louis on September 23, 1806.

The following historic and recreation sites have potential for inclusion in the Lewis and Clark National Historic Trail. They are identified on Maps 45-51 in the "Map Supplement" to this Plan.

(24-01) Lewis and Clark Park

In the city of Belgrade, Montana, (Map 45), city of Belgrade picnic area, playground, drinking water, and restrooms. Considering the use of the park, an interpretive sign should be developed.

(34-02) Bozeman Pass (proposed)

T. 7 S., R. 7 E., sec. 13, (Map 45)

If feasible, small rest areas should be developed by the Montana State Highway Department with appropriate interpretive signs about Clark's passage through here on July 15, 1806.

(34-03) Sheep Mountain Access

On Yellowstone River, T. 1 S., R. 11 E., sec. 19, (Map 45), Montana Department of Fish, Wildlife and Parks

Fishing access, camping, picnicking, and toilets. A small interpretive sign should be considered. The July 15, 1806, camp was near this site.

(34-04) Grey Bear Access

On Yellowstone River, T. 1 N., R. 13 E., sec. 35, (Map 46), Montana Department of Fish, Wildlife, and Parks

Fishing access, camping, picnicking, and toilets. A small interpretive sign should be considered.

(34-29) Highway Roadside

On Interstate 94, approximately 7 miles east of Fallon, Montana, (Map 50), Montana Department of Highways

Picnicking, drinking water, and restrooms. An attractive, existing information display/kiosk should be expanded to include brief information about Clark's passage through the area on July 31, 1806.

(34-30) Glendive Access (proposed)

On Yellowstone River at Glendive, Montana, (Map 50)

Access to the Yellowstone River is needed at Glendive, Montana. Development of an access site should be the responsibility of the city of Glendive or, alternatively, the State or Dawson County. The Clark party camped in the immediate vicinity of Glendive on July 31, 1806, and this should be interpreted at the site and/or in an existing city park.

(34-31) Intake Fishing Access

On Yellowstone River at Intake, Montana, (Map 51), Montana Department of Fish, Wildlife and Parks

Boat launch ramp, camping, picnicking, swimming, drinking water, and restrooms. Clark's party passed this site on August 1, 1806. At some point during that day, perhaps near this site, the party was obliged to land their canoes because a large herd of buffalo was crossing the river, blocking it completely. The herd required nearly an hour to cross. This should be interpreted at Intake Fishing Access.

(34-32) Elk Island Fishing Access

On Yellowstone River near Savage, Montana, (Map 51), Montana Department of Fish, Wildlife and Parks

This site is currently closed. At such time as it reopens, a sign should be developed interpreting the August 1, 1806, campsite which was in the immediate vicinity.

(34-33) Seven Sisters Fishing Access

On Yellowstone River near Crane, Montana, (Map 51), Montana Department of Fish, Wildlife and Parks

Fishing access only. The State should consider the site's potential for further development.

V. COOPERATING INTERESTS

A. Introduction

In accordance with Section 7 of the National Trails System Act, administration, management, and development of the Lewis and Clark National Historic Trail will be accomplished through cooperative agreements between the Secretary of the Interior and the various State or local governments or private interests involved. In the case of Federal interests, memoranda of understanding will be established between the Secretary and other Federal Departments; or in the case of other bureaus of the Department of the Interior, between that bureau and the National Park Service.

Initiating the cooperative agreements and memoranda of understanding is selected as the means to implement the Plan. The following tables present details of such agreements and memoranda for each of the managing entities of the Trail. Also included in this section is a sample of a cooperative agreement.

Cooperative agreements will be pursued with public and private entities as described below in regard to the establishment, marking, and maintenance of the Lewis and Clark National Historic Trail.

FEDERAL AGENCIES:

Bureau of Land Management
U.S. Fish and Wildlife Service
Bureau of Reclamation
U.S. Forest Service
U.S. Army Corps of Engineers
U.S. Coast Guard

STATES/AGENCIES:

Cooperative agreements will be pursued with the 11-Trail States listed below to cover the activities of various agencies responsible for fish and game parks, highways and transportation, historic preservation and research, etc., as appropriate for each State.

Illinois	Nebraska	Idaho
Missouri	South Dakota	Oregon
Kansas	North Dakota	Washington
Iowa	Montana	

LOCAL GOVERNMENTS

Cooperative agreements will be pursued with local units of government which will have a significant degree of involvement in implementing the Trail Plan, such as those administering several sites included in the Plan,

James B. Thompson, Regional Director
Rocky Mountain Region
National Park Service

and existing or potential land based trail segment, or a major historic site. Agreements with other local agencies will be pursued as necessary, although arrangements with agencies having only minor involvement in implementing the Trail Plan could be covered in the certification of a protected site or segment.

PRIVATE ORGANIZATIONS, CORPORATIONS, INDIVIDUALS, ETC.

Cooperative agreements will be sought with private landowners, both individuals, and corporations, along the Trail route either through Federal or State efforts. Examples of major landowners would include:

Montana Power Company
Burlington Northern, Inc.
U.S. Plywood Corporation
Potlatch Corporation

Cooperative agreements will also be pursued with private entities involved with historical research, preparation of maps and brochures, etc. A key organization in this area is the Lewis and Clark Trail Heritage Foundation, Inc.

LEWIS AND CLARK INTERPRETIVE HISTORIC TRAIL
COMPREHENSIVE PLAN

James B. Thompson, Regional Director
Rocky Mountain Region
National Park Service

Table DETAILS OF CONDITIONS IN INTERVIEW Rules and Responsibilities: Must the Parties Agree to Do				
Parties to Agreements or Parties	Consultation with Advisory Council	Agreements with Private Landowners	Land Exchange or Acquisition	Rules and Regulations
Interior National Park Service	Consultation with Council on matters relating to the Trail including transmission of concerns from managing entities and returning Council's advice to managing entities.	Initiate agreements with private land- owners where State efforts do not meet needs, pursuant to Section 7(c) of the National Trails System Act.	Consider acquisition of any needed private lands within the exte- rior boundaries of the area where propa- gative agreements cannot be consummated, pur- suant to Section 7(d) of the Act.	Promulgate such over- all regulations as may be necessary for proper administration and protection of the Trail, fully coordi- nating with affected interests.
D	Carry Trail manage- ment concerns to National Park Service for transmittal to Advisory Council.	Seek cooperative agreements with owners of high potential non- Federal lands within Trail right-of-way where necessary to provide adequate pro- tection of public access to historic per- sonal property, per pursuant to Section 7(c) of the Act.	Consider acquisition of private lands within the exterior Federal boundary where cooperative agreements cannot be consummated, pursuant to Section 7(d) of the Act.	Promulgate rules and regulations for man- aged sites and seg- ments, consistent with overall Trail regula- tions above.
E R A I.	Same as "Other Federal" above.	Same as "Other Federal" above, for sites and segments which may become ex- cluded, pursuant to Section 7(c) of the Act.	Consider acquisition of private lands where agreements cannot be consummated. State lands, including local and Water Conservancy land, may be used for acquisition. Authority is Section 7(c) of the Act.	Same as "Other Federal" above.
State and Local Governments	Same as "Other Federal" above.	Consider seeking coop- erative agreements with landowners to establish sites and segments which ade- quately may be certi- fied.	Consider acquisition of private lands where agreements cannot be consummated. State lands, including local and Water Conservancy land, may be used for acquisition. Authority is Section 7(c) of the Act.	Same as "Other Federal" above.
Private Organizations, Corporations, and Individuals	Same as "Other Federal" above.	Consider seeking coop- erative agreements with landowners to establish sites and segments which ade- quately may be certi- fied.	Consider acquisition of private lands where agreements cannot be consummated. State lands, including local and Water Conservancy land, may be used for acquisition. Authority is Section 7(c) of the Act.	Same as "Other Federal" above.

C-12

12M15 AND 12M16 NATIONAL HISTORIC TRAIL
COMPREHENSIVE PLAN

TABLE DETAILS OF AGREEMENTS OR MEMORANDA Between and Between Agencies: What the Parties Would Agree To Do				
Parties to Agreements or Memoranda	Marking the Trail	Administering Segments of Trail	Development of Facilities	Provide Access and Interpretation
F Instructor	Provide maps, outlines with initial set of markers in accordance with the marking program described in the Comprehensive Plan.	Manage portion of Trail passing through NPS areas in keeping with purposes of the Trail. Establish a management facility in the NPS Museum.	Any facilities developed at NPS areas would be in keeping with the area's General Management Plan.	In keeping with the General Management Plan for the NPS area. External interpretive facilities to include books and films where needed.
R National Park Service		Regional Office for Trail administration and coordination activities.		
E Bureau	Direct and maintain markers on initial protection sites and segments in accordance with the marking program of the Comprehensive Plan.	Administer, manage, protect, and maintain resources within initial protection sites and segments in accordance with the marking program of the Trail.	Develop, operate, and maintain visitor facilities as recommended by the Trail's Comprehensive Plan at each Agency's expense.	Provide appropriate public access and interpretive opportunities for Federally protected sites and segments at each Agency's expense.
State and Local Governments	Direct and maintain markers on certified protected sites and segments.	Administer, manage, protect, and maintain resources within certified protected sites and segments in accordance with the marking program of the Trail.	Same as for "State" above but without expense to the Federal Government except for qualified grant programs.	Same as for "State" above but without expense to the Federal Government except for qualified grant programs.
Private Organizations and Individuals	Same as "State" above.	Same as "State" above.	Same as for "State" above.	Same as for "State" above.

James B. Thompson, Regional Director
Rocky Mountain Region
National Park Service

LETTERS AND "N/A" MEAN "NOT APPLICABLE."
CROSS-REFERENCED PAGE

TABLE 1		DETAILS OF AGREEMENTS TO (1) BUREAU OF LAND MANAGEMENT (2) NATIONAL PARK SERVICE (3) OTHER		
Parties to Agreements or Memoranda	Trail R-4-M on Federal Lands	Federal Register Notification	Particulate Contamination	Agree to
F National Park Service	Agree with other Federal agencies on width and location of Trail right-of-way across Federal lands, pursuant to Section 7(a) of the Act.	National Park Service to prepare and submit publication of Trail right-of-way, pursuant to Section 7(a) of the Act.	Periodically consult with managing entities concerning management of Trail segments including coordination with planning of other conservation programs.	
D Other Federal BUREAU OF LAND MANAGEMENT (BLM)	Agree with National Park Service on Trail width and location as outlined above.	N/A	Periodically consult with the National Park Service as outlined above. Each Agency to establish a primary consultation for the Trail.	
State and Local Governments	Agree to width and location of Trail right-of-way as identified in the Comprehensive Plan.	N/A	Same as "Other Federal" above. Establish a primary consultation for the Trail.	
Private Organization, Company, and Individuals	Same as "State" above.	N/A	Same as "Other Federal" above. Private organizations to establish a primary consultation for the Trail.	

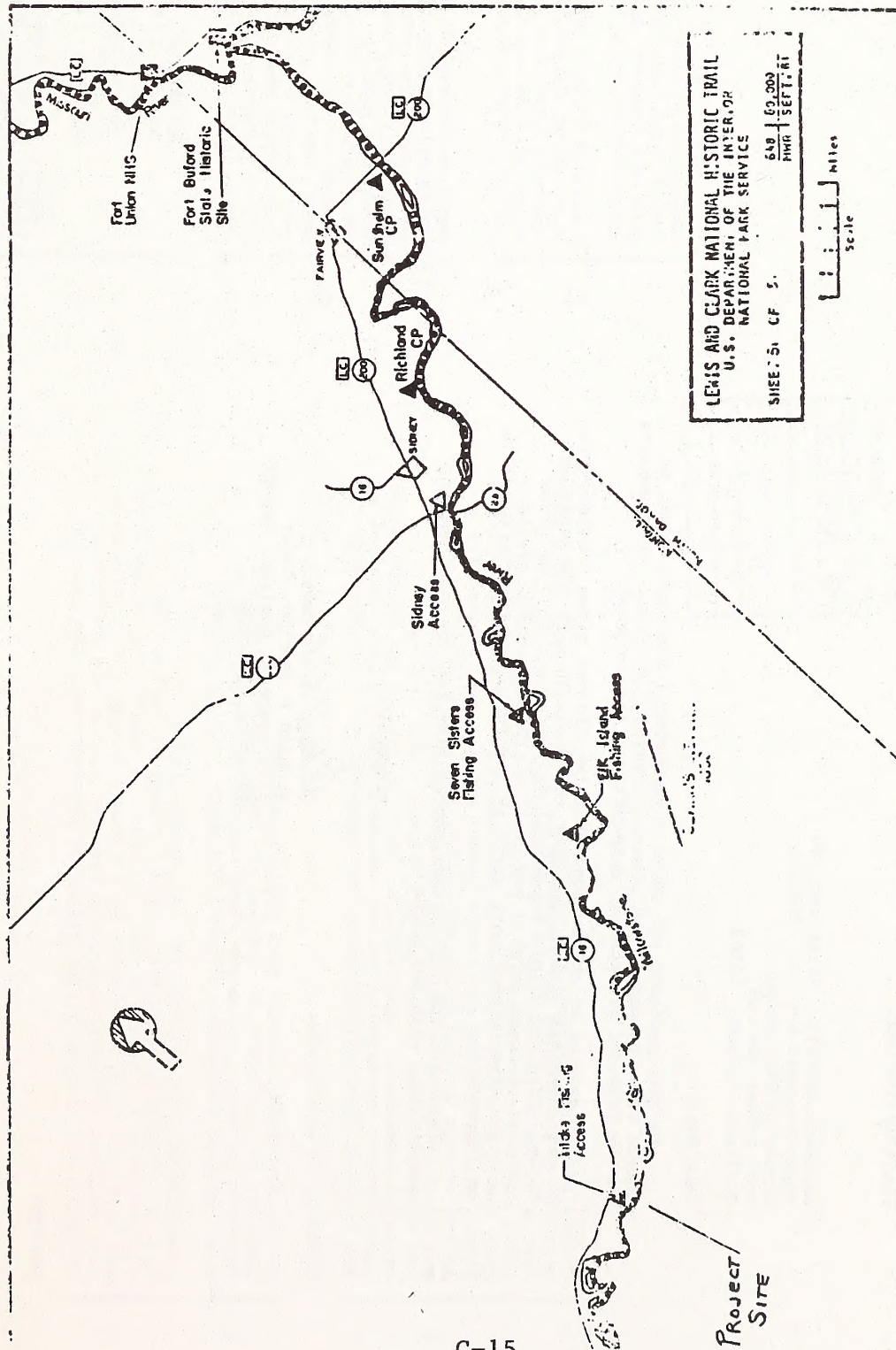
12M15 AND 12K1X NATIONAL HISTORIC TRAIL
COMPREHENSIVE PLAN

TABLE		DETAILS OF AGREEMENTS ON IMPLEMENTATION			
Parties to Agreements or Memoranda		Roles and Responsibilities: What the Parties Would Agree To Do			
		Marking the Trail	Administering Segments of Trail	Development of Facilities	Provide Access and Interpretation
F E D B R	Interpret	Provide marking facilities with initial set of markers in accordance with the marking program identified in the Comprehensive Plan.	Manage portion of Trail passing through NPS areas in keeping with purposes of the Trail. Establish a management policy in the NPS Manual Regional Office for Trail administration and coordination activities.	Any facilities developed at NPS areas would be in keeping with the area's General Management Plan.	In keeping with the General Management Plan for the NPS area. Expand interpretive facilities to include trails and look where needed.
	Not trail	Protect and maintain markers at initial segments in accordance with the marking program of the Comprehensive Plan.	Protect, and maintain cultural and natural resources within identified protection sites and segments in accordance with the purposes of the Trail.	Develop, operate, and maintain visitor facilities as recommended by the Trail's Comprehensive Plan at each Agency's expense.	Provide appropriate public access and interpretive opportunities for Federally protected sites and segments at each Agency's expense.
	State and local governments	Protect and maintain protected sites and segments.	Administer, manage, protect, and maintain State or locally owned certified protected sites and segments at expense to the Federal Government in accordance with the purposes of the Trail.	Same as for "State" above.	Same as for "State" above.
	Private organizations	Same as "State" above.	Same as "State" above.	Same as for "State" above.	Same as for "State" above.
	Individuals	Same as "State" above.	Same as "State" above.	Same as for "State" above.	Same as for "State" above.

James B. Thompson, Regional Director
Rocky Mountain Region
National Park Service

LETTERS AND ORAL AGREEMENTS CONCERNING TRAIL
CAMPING/STAYING: 1741

TABLE F PARTIES TO AGREEMENTS OR MEMORANDA				
Parties to Agreements or Memoranda	DETAILS OF AGREEMENTS OR MEMORANDA			
	Trail R-O-W on Federal Lands	Federal Register Notification	Parties Consultation	Parties Agree To Do
F Incorporated	Agree with other Federal agencies as to location of Trail right-of-way across Federal lands, pursuant to Section 7(a) of the Act.	National Park Service to prepare and assume publication of Trail right-of-way, pursuant to Section 7(a) of the Act.	Partially consult with managing entities concerning management of Trail segments including coordination with planning of other conservation programs	
E Park Service	Agree with National Park Service as to location of Trail right-of-way as outlined above.	N/A	Partially consult with the National Park Service as to location of Trail. Each Agency to establish a primary coordinator for the Trail.	
B Other Federal (BIA, BLM, DNR, etc., FWS)	Agree to other location of Trail right-of-way as identified in the Comprehensive Plan.	N/A	Same as "Other Federal" above. Establish a primary coordinator for the Trail.	
State and Local Governments	Same as "State" above.	N/A	Same as "Other Federal" above. Private organizations to establish a primary coordinator for the Trail.	
Private Organizations, Corporations, and Individuals		N/A		





DEPARTMENT OF THE ARMY
OMAHA DISTRICT CORPS OF ENGINEERS
6014 U.S. Post Office and Courthouse
Omaha, Nebraska 68102

REPLY TO
ATTENTION OF:

Planning Division

February 28, 1983

Regional Director, Attention 150
Upper Missouri Regional Office
Bureau of Reclamation
Post Office Box 2553
Billings, Montana 59103

Dear Sir:

We have reviewed the Draft Environmental Statement (DES) on Intake Water Company's Yellowstone Diversion Project. Our comments on the proposed project and alternatives are enclosed.

In general we acknowledge that the DES has given consideration to environmental issues, and that coordination with the State and Federal fish and wildlife agencies has been ongoing. We offer comments on Corps permits and flood plain management, giving consideration to testimony given at the Public Hearing in Glendive on February 16.

Thank you for this review opportunity and for your ongoing coordination with the Corps.

Sincerely,

Richard D. Gorton, Chief
Environmental Analysis Branch
Planning Division

Enclosure

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Richard D. Gorton, Chief
Omaha District Corps of Engineers

Corps Comments
Yellowstone Diversion Project

Richard D. Groton, Chief
Omaha District Corps of Engineers

Permits

An additional Federal action will also be necessary from the U.S. Army Corps of Engineers (USCE) to issue a Section 404 permit for the placement of fill material in conjunction with the construction of the intake structure, bridge, and dam. A Section 10 permit will also be required for placement of the intake structure, and transmission line crossing the Yellowstone River.

MT 2SB OXT 2 005122; Box Elder Dam; Section 404 Permit
MT 2SB OXT 3 005110; Pump Station/Intake Structure;
Section 10/404 Permit
MT 2SB OXT 3 005123; Pipeline Crossing; Section 10/404 Permit
MT 2SB OXT 2 005124; Bridge Crossing; Section 404 Permit
MT 2SB OXT 1 005125; Transmission Line; Section 10 Permit

Also, hearing testimony indicated potential loss of springs, potholes and ponds due to dam construction, not identified on page III-21, paragraph 2. Suggest any such aquatic resources be identified and impacts upon them addressed.

Flood Plain Management

The proposed construction should not increase the 100-year flood water surface elevation of any stream more than 0.5 foot relative to existing conditions. The pipeline should be buried far enough below the existing stream bed of the Yellowstone River side channel Box Elder Creek, or any other stream crossed to prevent exposure during periods of high floodflows when streambed degradation may occur. If the pumping facilities can be damaged by floodwater, they should be either above or flood proofed to above the 100-year flood water surface elevation as a minimum. Consideration should also be given to the potential for streambank erosion in the vicinity of the pumping facilities during periods of high floodflows or ice jams.

USCE involvement in the project has been described in the DES on page I-1 first paragraph and on page B-4 under Federal Permits. The specific USCE permits identified for project construction include:

Baseline studies of Box Elder Creek were conducted during the first week of June 1980, which was defined as a dry year. The objective of the study was to sample existing aquatic habitat. Habitat identified within the Box Elder site was defined as very shallow riffles, ditch-like pools of up to three feet deep, and a few circular-type pools. No springs were identified; however, variation in water quality indicated areas of seepage. An on-site reconnaissance of the Box Elder site was conducted on March 23, 1983, during a runoff period. Several areas of seepage and springs were identified. Seepage was observed within the reservoir site, while springs were located on higher ground above the site. Some of these springs have been developed for stock water, but are not anticipated to be impacted by construction or operation of the project. This reconnaissance also confirmed the habitat description applied to Box Elder Creek.

The pipeline would be buried a minimum of six feet below existing stream channels. At this depth, and with proper backfill of the trench, no exposure of the pipe is anticipated during periods of flood or high flow when streambed degradation may occur. Should significant streambed degradation occur in the area of the pipe, maintenance of original contour will include backfill of native material.

The pumping facilities on Joe's Island have been designed to be above the 100-year flood water elevation. Placement of rip-rap on exposed embankments at the pumping facility should reduce erosion during periods of floodflows or ice jams. This rip-rap will be maintained as necessary.



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Centers for Disease Control
Atlanta GA 30333
(404) 452-4095
February 22, 1983

Regional Director, Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
P.O. Box 2553
Billings, Montana 59103

Dear Sir:

We have reviewed the Draft Environmental Impact Statement (EIS), Yellowstone Diversion Project, Dawson County, Montana. We are responding on behalf of the Public Health Service.

The report does not address mosquito or other vector populations. Since water storage reservoirs can create potential mosquito problems, the Final EIS should provide a description of present and anticipated mosquito problems in the project area. A statement should be made concerning anticipated control measures, including types, amounts, and application notes and procedures for insecticides that may be used.

The Final EIS should also address vegetation clearing and maintenance efforts in greater detail. If chemical control measures are to be employed, the statement should list the herbicides which will be used, and their methods and routes of application.

Thank you for reviewing this EIS. Please send us a copy of the final document when it becomes available. If you should have any questions about our comments, please contact Mr. Lee Tate of my staff at FTS 236-6649.

Sincerely yours,

Frank S. Lisella, Ph.D.
Chief, Environmental Affairs Group
Environmental Health Services Division
Center for Environmental Health

Frank S. Lisella, Chief
Environmental Affairs Group
Department of Health and Human Services

No mosquito problems are expected. The Montana Department of Health and Environmental Science, Food and Consumer Safety Bureau maintains records of disease and vector problems for the State. As indicated by their records, areas of shallow stagnant water can create habitat for vector reproduction and potential associated problems. Over the past 10 years in the Glendive and surrounding area, a small number (0 to 5 per year) of cases of western equine encephalitis have been reported in livestock. Western equine encephalitis is transmitted by the mosquito Culex tarsalis. This species breeds in shallow stagnant water often associated with irrigation return flow. This is the only known vector of record in the project area.

The proposed YDP would not create significant areas of shallow stagnant water because of the topography of the site. Should mosquito populations become a problem due to construction and operation of the project, IWC will work with agencies to develop the appropriate control measures.

In the area of the reservoir and other project facilities, vegetation will be scraped and/or chained into piles for burning. The pipeline corridor and dam will be maintained free of trees and shrubs to protect the integrity of the facilities by periodic mowing. No chemical control of either aquatic or terrestrial vegetation is planned during project operation.



U.S. Department of Housing and Urban Development
Denver Regional Area Office, Region VIII
Executive Tower Building
1405 Curtis Street
Denver, Colorado 80202

January 19, 1983

Mr. Joseph B. Marcotte, Jr.
Regional Director, Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
Billings, Montana 59103

Dear Mr. Marcotte:

Thank you for the opportunity to review and comment on the Draft
Environmental Impact Statement (EIS) on the Yellowstone Diversion Project,
Dawson County, Montana.

Your EIS has been reviewed with specific consideration for the areas
of responsibility assigned to the Department of Housing and Urban Development.
This review considered the proposal's compatibility with local and regional
comprehensive planning and impacts on urbanized areas. Within these parameters,
we find this document adequate for our purposes.

If you have any questions regarding these comments, please contact
Mr. Carroll F. Goodwin, Area Environmental Officer, at FTS 327-3102.

Sincerely,

Robert J. Matuschek
Director
Office of Regional Community
Planning and Development, 8C

Robert J. Matuschek, Director
Office of Regional Community Planning and Development
U. S. Department of Housing and Urban Development

No response necessary.

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U.S. DEPARTMENT OF TRANSPORTATION LOWER YELLOWSTONE

FEDERAL HIGHWAY ADMINISTRATION
REGION EIGHT
555 ZANG STREET, BOX 25246
DENVER, COLORADO 80225

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Regional Director, Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
P.O. Box 2553
Billings, Montana 59103

Gentlemen:

Thank you for the opportunity to review the Draft Environmental Impact Statement for the Yellowstone Diversion Project (Intake Water Company) in Dawson County, Montana. We have the following comments:

1. The maps for the Box Elder preferred alternative (Figs. II-2 and II-4) show a road (existing road), part of which will be submerged by the Box Elder Dam; yet, this is not discussed in the narrative portion of the document.
2. The pipeline/transmission corridor will cross existing roads creating impacts on the traveling public.
3. The construction of a bridge and an all-weather road to Joe's Island Pump Station structures is mentioned on page II-9 but is omitted in the impacts section.
4. We would encourage coordination with the Montana Department of Highways and appropriate county engineers as the final document is prepared.

Sincerely yours,

Fred Hempel

Fred Hempel
Director, Office of Environmental Programs

Fred Hempel, Director
Office of Environmental Programs
U. S. Department of Transportation

The existing road shown on Figures II-2 and II-4 of the DES is an unimproved private trail used for access to lands on the reservoir site. The trail will not be affected below the dam since a gravel road will be constructed along the pipeline right-of-way. That portion of the road within the proposed reservoir will be inundated. Also, pending negotiation and purchase of lands from the landowner, that portion of the road in Sections 7 and 12 on the west side of the reservoir may be improved for public access.

During the construction of facilities across River and Belle Prairie Roads, normal traffic flow will be interrupted; however, closure of the road to traffic is not anticipated. The road will be temporarily limited to one lane with a flag person to control flow. Construction across these roads will require only one day each.

The bridge and all-weather road to the Joe's Island Pump Station structures is mentioned in the impacts section as it relates to water quality, water and ice flow, wildlife, aquatic ecology, recreation, land use, and aesthetics. As the bridge and road relate to transportation, they are not anticipated to have any impact on present public travel, but will provide additional access to Joe's Island. This construction will not cross or change the course of existing roadways, but will intersect River Road with a controlled stop.

Plans have been discussed with the appropriate county engineers. Road construction and access plans will be submitted for review and approval during the local permit acquisition phase of the project.



Ref: 840

Mr. Rick Blaskovich
Code 152
U. S. Bureau of Reclamation
Upper Missouri Region
P.O. Box 2553
Billings, Montana 59103

Dear Mr. Blaskovich:

We have completed our review of your Agency's draft environmental impact statement on the Yellowstone Diversion Project. Our comments are as follows.


The water quality impacts of the diversion and probable consumptive use of some 80,000 acre-feet per year of water from the Yellowstone River appear to fall within acceptable limits.

The major impacts associated with this project will be those associated with the end use of the water. This end use will be industrial (gasification plants) and municipal (population increases due to industrialization). We note that your EIS makes reference to these end use impacts, but defers a complete analysis of them to whoever prepares an EIS on subsequent projects (coal mining, gasification plants, etc.).

Actual construction of the Yellowstone Diversion Project will likely require issuance of an Army Corps of Engineers Section 404 dredge and fill permit. EPA reviews these permits and would expect it to reflect adequate water quality control measures.

According to EPA's rating system this draft impact statement is rated LO-1 (lack of objections - sufficient information). This ranking is based on our expectation that industrial projects that may eventually use this water will be analyzed in separate EIS's and associated requirements of the various State and Federal permits required.

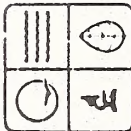
If you have any questions, please contact Mr. Gene Taylor in our Montana Office, Helena, at FTS 585-5486.

Sincerely yours,

Steven J. Durham
Regional Administrator

Steven J. Durham, Regional Administrator
Region VIII
U. S. Environmental Protection Agency

No response necessary.

[illegible]



March 1, 1983

Regional Director, Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
P.O. Box 2553
Billings, Montana, 59103

Dear Sir:

We have studied the Environmental Statement on the Yellowstone Diversion Project, Dawson County Montana, Intake Water Company, from the viewpoint of a state and persons located down-stream from the proposed project in the Missouri River basin. The statement is deficient in its failure to recognize at least three major downstream environmental impacts:

First, the only downstream impact addressed is loss of hydro-power generation due to annual flow reduction. The impacts on the many other uses of the Missouri River are ignored. The draft and final Environmental Impact Statements are not adequate without thorough consideration of these other impacts on downstream water use.

Second, the impacts of out-of-basin water transfer through coal slurry pipelines are ignored although future provision for such water transfers certainly are implied in the Statement. Intake Water Company's legal challenge of the transfer restrictions of the Yellowstone Compact makes clear the intent to use water out-of-basin. The draft and final Environmental Impact Statements must address future out-of-basin use of the Intake Water Diversion in order for basin impacts to be understood.

Third, the cumulative downstream impacts of all presently considered upstream consumptive uses of water are not analyzed even though the Corps of Engineers previously called this deficiency of the Statement to your attention. These consumptive uses we are aware of at present include: 1) The one million acre-feet as reported in Water for Energy, Missouri River Reservoirs plus 2) the 535,000 acre-feet reported in Industrial Water Service, Yellowstone Reservoirs plus 3) the 80,650 acre feet of the Yellowstone Diversion Project plus 4) the 10,400 acre feet required for anticipated population increase in the Intake Water Company's service area plus 5) other anticipated consumptive uses which have not been subject to Environmental Review.

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Fred A. Lefser, Director
Missouri Department of Natural Resources

MISSOURI DEPARTMENT OF NATURAL RESOURCES

P.O. Box 176 Jefferson City, Missouri 65102 (314) 751-4422

The Federal actions are related to right-of-way and Clean Water Act permits, not whether IWC should be allowed to divert water. The State of Montana has already granted IWC this right. Withdrawals of water from the Yellowstone River by the YDP is projected to be less than 1% of the total annual flow in the Yellowstone River. In the Missouri River, the percent would be much less because of dilution. In fact, with the exception of a minor calculated loss of hydropower generation in the Missouri River, changes in other downstream uses (e.g., navigation, recreation, agriculture, etc.) are immeasurable.

It is true that out-of-basin transfer of water from the YDP is implied in the DES because of the extent of the intended service area. However, at present, transfer of the water out of the basin is not allowed by state law. If transfers become possible, impacts of the YDP on the Yellowstone or Missouri Rivers will be no different than discussed throughout the DES. Impacts associated with transfers also will be addressed by those projects which involve a transfer. Coal in the area is not considered suitable for slurry because of its chemical properties and transportation cost.

The Corp's letter referred to a preliminary draft of the EIS. These cumulative impacts have been discussed on pages III-9 and III-29 through 31 of the DES as per the USCE's request. As identified in Water for Energy, Missouri River Reservoirs, Final Environmental Impact Statement, withdrawal of 1,000,000 acre-feet of water from the Missouri Basin would be possible without significantly impacting downstream uses. This is due to instream regulating reservoir minimum release rates which are based on estimates of existing rates to satisfy requirements for downstream water supply, water quality, fish and wildlife, and the downstream environment. According to the document, there would be no impact on main-stem water quality, irrigation, and/or flood control. Since little impact is expected from withdrawal of 1,000,000 acre-feet per year, the impacts of withdrawal from the YDP would be correspondingly smaller; in fact, probably negligible.

It is very unlikely that over 1,000,000 acre-feet of water will be consumed for coal-related industrial use in the foreseeable future given the lead-time for planning and constructing plants, cost involved, environmental constraints, and energy demand.

Christopher S. Bond Governor
Fred A. Lefser Director

Regional Director

- 2 -

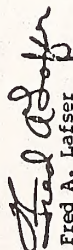
February 28, 1983

Fred A. Lefser, Director
Missouri Department of Natural Resources

The individual statements have very little meaning and fail to give the decision makers and others information necessary to decide diversion questions unless the cumulative impacts are considered, so their total impact on the basin and entire Missouri River System is known and can be weighed. Any other scheme could permit piecemeal depletion of a common resource to the detriment of the water's basin.

Sincerely,

MISSOURI DEPARTMENT OF NATURAL RESOURCES


Fred A. Lefser
Director

FAL:rde



MONTANA HISTORICAL SOCIETY

HISTORIC PRESERVATION OFFICE

225 NORTH ROBERTS STREET • (406) 449-4584 • HELENA, MONTANA 59601

January 3, 1983

Regional Director, Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
P.O. Box 2553
Billings, MT 59103

Gentlemen:

RE: Draft Environmental Impact Statement on Intake Water Company's
Yellowstone Diversion Project.

A review of this project indicates to me that no properties eligible
for or included in the National Register of Historic Places will
be affected. Thank you for the opportunity to comment.

Sincerely,

Marcella Sherfy
Marcella Sherfy
Deputy SHPO

TAF:wd

cc: Montana State Clearinghouse

Marcella Sherfy, Deputy SHPO
Montana Historic Society

No response necessary.

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Ted Schwinden, Governor
State of Montana

March 1, 1983

Dear Mr. Marcotte:

Thank you for the opportunity to review and comment on the draft environmental statement on the Yellowstone Diversion Project, Dawson County, Montana, which is proposed by the Intake Water Company. The comments of the Montana Department of Natural Resources and the Department of State Lands on the statement are enclosed. I hope the concerns expressed are helpful in the preparation of a final environmental statement.

Sincerely,

Ed Schwab

TED SCHWINDEN
Governor

Encl.

cc: Leo Berry
Dennis Hemmer[illegible]

Water Rights Appropriation

The project as described in the Draft EIS is based on Intake Water Company's (IWC) right to divert water from the Yellowstone River at a maximum rate of 200 cfs. IWC's June 8, 1973 "Notice of Water Rights Appropriation" (Attachment 1) shows a legal right to a diversion rate of 111.4 cfs. The "Statement of Claim for Existing Water Rights" filed in 1981 under the statewide water right adjudication program and the "Summary of Project" accompanying the State of Claim have reinterpreted IWC's legal water right, claiming a maximum diversion rate of 200 cfs (Attachment 2).

The June, 1973 filing for 111.4 cfs established a maximum diversion rate of 111.4 cfs, rather than 200 cfs as described in the Draft EIS. Periodic pumping will be required; due to winter icing conditions, for the protection of existing prior rights, and for system maintenance. Pumping at a rate of 111.4 cfs would require continuous pumping 365 days per year to divert 80,650 acre-feet annually. A 200 cfs diversion rate would require an achievable pumping schedule of approximately 203 days per year to divert 80,650 acre-feet. Pumping at 111.4 cfs for 203 days would result in a gross annual diversion of approximately 44,900 acre-feet, only 56 percent of IWC's proposed diversion requirement.

The Department of Natural Resources maintains that IWC has a right to divert a maximum of 111.4 cfs based on the June 8, 1973 filing (Guse, 1983). A final determination regarding the IWC water right will be made by water

The pumping regime of up to 200 cfs as proposed by IWC would minimize impacts on other Yellowstone River water users because the majority of the 80,650 acre-feet per year would be diverted during high flow periods rather than continuously throughout the year. This issue was explored, in concert with the challenge of the validity of the appropriation, in the case of Montana Department of Natural Resources and Conservation v. Intake Water Company, Civil Docket No. 9441-A, District Court of the Sixteenth Judicial District, Dawson County, Montana. The case was initiated June 8, 1973, less than three months after the Notice of Appropriation was posted and filed, and tried in November 1975.

A study prepared for IWC by HKM Consulting Engineers (Hurlbut, Kersich and McCullough) of Billings, Montana, dated September 25, 1975, entitled "Preliminary Engineering Study-Yellowstone Diversion Project" was introduced as evidence without objection on the part of DNRC. The study concluded that the operating plan should have the following provisions: 1) An offstream reservoir with an active capacity of about 24,000 acre-feet, and 2) an instantaneous diversion with a capability of up to 200 cfs, thus providing additional flexibility in the plan. The DNRC explored the basis for the pumping rate in the course of cross-examination of IWC's principal witnesses, but did not choose to pursue it.

As can be seen, it has long been the plan of IWC to use a maximum pumping rate of 200 cfs on a periodic basis in operating the YDP and utilizing the appropriation of June 8, 1973. IWC did not reinterpret its water right in filing its Statement of Claim of Existing Water Right in 1981. It merely clarified the operating plan for such appropriation so as to make it clear that in utilizing a maximum pumping rate on a periodic basis of 200 cfs, to protect prior existing rights, IWC will not exceed the 111.4 cfs rate of flow claimed in the Notice of Water Right Appropriation on a 12-month annual average basis in any given calendar year.

In summary, IWC's appropriation of June 8, 1973, contemplates the appropriation of a given quantity of water, 80,650 acre-feet of water, annually. It is only through the vehicle of periodic pumping coupled with off-stream storage that this quantity of water can be appropriated without injuring prior existing rights.

Ted Schwinden, Governor
State of Montana

courts during the Yellowstone River water rights adjudication process, but until that time, the Department can only recognize the 111.4 cfs filing as having a June 8, 1973 priority date. The additional 88.6 cfs will have a priority date set at the time of the actual application for that increased diversion rate.

Alternative Consideration

IWC appears to be vague about the potential uses of the water from the Yellowstone Diversion Project. The Draft EIS (page I-2) states that "at the present time, there are no direct connections of Yellowstone Diversion Project with any specific projects, end use, or user that may have a need for this water." However, the IWC proposed legislation during the 1981 Montana Legislature seeking approval to divert 14,000 acre-feet of water into the Little Missouri River basin for the proposed 280 mcf/day synfuel plant and municipalities of Wibaux, Montana and Beach, North Dakota.

IWC should consider other alternatives for the use of the water. One alternative would be to use the water within the Yellowstone River basin. This alternative would be contingent upon the outcome of the litigation regarding Article X of the Yellowstone River Compact. In addition, there may be a question regarding whether IWC has a water right for only 111.4 cfs and not 200 cfs. If the former is the case IWC must develop alternative management schemes for withdrawing the water from the Yellowstone River. IWC may not be able to sell the total 78,000 acre-feet per year.

Use of water from the Yellowstone River must conform to law. IWC sought legislative approval to move water outside the Yellowstone River Basin in 1981, but approval was not granted. However, the end use of the water can be within the basin; it would be physically (but possibly not economically) feasible to locate a facility, such as the Tenneco Coal Gasification Company's proposed gasification plant within the basin.

We presume that if an end use cannot be found which conforms to law, IWC will not proceed to construction and there will be no environmental impact.

The EIS does mention that Tenneco Company has plans to construct a coal gasification plant near Wibaux within the proposed service area, and that it is a potential user of IWC water. It does not mention, however, that IWC has applied for a water use permit to construct a Beaver Creek Reservoir within 15 miles of the Tenneco plant to provide supplemental water of up to 6,800 acre-feet per year. Assuming 6,800 of the 14,000 acre-feet demand associated with the gasification plant and the municipalities of Beach, North Dakota and Wibaux, Montana can be provided by the Beaver Creek Project, the gasification plant still would require about 10 percent of Yellowstone Diversion Project's (YDP) proposed 78,000 acre-feet firm annual yield. Conversely, if the proposed YDP is approved and interbasin transfer is allowed, there may be no need for continuing the proposed Beaver Creek Diversion Project.

If IWC is unable to obtain approval to transfer Yellowstone River water into the Little Missouri River basin, other alternatives should be evaluated. One alternative would be to evaluate less water consumptive cooling mechanisms. The single largest consumptive use of water in any coal gasification plant is cooling. The comparative cooling water consumptive requirement for any process is a function of the degree of wet cooling assumed to be used in disposing of unrecovered heat. The projected consumptive water requirement for the Tenneco coal gasification plant is based on high wet cooling techniques. The term "high wet cooling" means that forced air coolers are used only where clearly cheaper than evaporative wet cooling. Forced air cooling would seldom be used if an abundant supply of water were available by permit (inexpensive water) as proposed by Tenneco (via IWC).

On page II-3 of the DES, IWC's water appropriation on Beaver Creek is discussed as an alternative surface water tributary stream. Should Tenneco decide to site and/or construct a gasification facility in that area, the 6,800 acre-feet per year yield of the creek may or may not be considered as the primary or supplementary water supply for that facility; this is a question which must be answered by Tenneco Coal Gasification Company. With respect to the YDP, Beaver Creek was considered as a supply source, but was eliminated because of limited firm annual yield.

We have no comment on gasification cooling efficiencies and technologies, which are beyond the scope of this analysis.

Intermediate and minimum practical wet cooling corresponds to the additional use of combined wet evaporative cooling towers and forced dry air coolers. This could reduce the cooling water consumptive requirement by one-half to two-thirds. The large reduction in water consumption through the use of combination wet and dry cooling can be implemented at a cost not likely to exceed 1 percent of the selling price of the synthetic natural gas produced by the plant (Probststein, 1978).

Downstream Impacts

The EIS appears to adequately address the effects of withdrawing 200 cfs during low flows on the level of the river. It appears that withdrawing this amount during low flows would decrease the level of the river by only .75 inches. The only question we have is whether this small decrease would have an adverse economic impact on existing downstream diversion structures.

Water Reservation Impacts

IWC's filing date is prior to the Yellowstone River Reservation's and therefore senior to the Reservation's. IWC's 111.4 cfs, June 8, 1973 filing is subject to prior existing rights but is not subject to the excess-flow, water-availability conditions established by the reservation process (Sobashinski, 1982). Consequently, the diversion at Intake will decrease excess (available) flows and possibly create or increase post reservation shortages (depending on the pumping timetable). An increase in the diversion rate of 88.6 cfs would be subject to water reservation limitations, however, and an analysis of water

There is a potential that lowering of water surface elevations by 0.75 inches during certain river flow conditions might make it more difficult for downstream users to divert water. However, because of the very small elevation change, we believe the impact would be minimal. In addition, since the 200 cfs rate of withdrawal will occur primarily during high flow periods, the potential for downstream impacts to diversion systems would be even less.

See first response to this letter "Water Right Appropriations", page C-26.

availability, optimum reservoir size and adjusted firm yield should be incorporated into the EIS.

Summary

The Draft EIS leaves unresolved three major concerns regarding IWC's proposed diversion on the Yellowstone River. The Draft EIS does not address specific end uses and marketing locations to which IWC water will be applied. There is also uncertainty about the amount of diversion water right. Finally, the analysis of impacts seems both superficial and premature without additional information regarding project operations and end use of diverted water. Some impacts of the project also cannot be established without a determination of IWC's legal water right and a decision on the challenge to Article X of the Yellowstone River Compact.

End uses will be subject to scrutiny under several state and federal laws such as Montana's Major Facilities Siting Act, Environmental Policy Act and the National Environmental Policy Act.

The impacts of federal land used for the YDP are not related to legal challenges of Article X of the Yellowstone Compact. It is possible that all the water could be used within the Yellowstone River basin.

CONCERNS OF THE MONTANA DEPARTMENT OF STATE LANDS

Ted Schwinden, Governor
State of Montana

The attached letter (Attachment 3) from the Gentry Land and Livestock, Inc., points out that certain property identified as federal land in the EIS is state land administered by the Department of State Lands. The lands in question (Lots 2 and 3, S.36, T.18N., R.56E.) are definitely state lands currently leased to Roy W. Gentry. The Gentry's concern about whether these lots will still be useable for grazing and irrigation is also of interest to the Department.

The alternative reservoir location map (Figure II-1 on page II-5 of the DES) on which federal lands are indicated is not of a scale that tracts of this size could be readily distinguished. The project general plan (Figure II-2 on page II-8 of the DES) clearly shows that the portion of the NE 1/4 of Section 36 (where these lots are located) is outside the area of disturbance. These lands are not a part of the YDP; their use is a matter between the Montana Department of State Lands and Gentry Land & Livestock.

REFERENCES

1. Probststein, Ronald F. and Harris Gold, "Water in Synthetic Fuel Production", MIT PRESS, Cambridge, Mass. and London, England, 1978.
2. Montana DNRC, Sobashinski, Daniel A., "Water Reservations and Water Availability in the Yellowstone River Basin", May, 1982.
3. Montana DNRC, Guse, Ron, Acting Chief, Water Rights Bureau, January, 1983.
Personal Communication.

165351

W. H. U. 5 255

NOTICE OF WATER RIGHT APPROPRIATION FOR FILING

STATE OF MONTANA)
) ss.
County of Dawson)

TO ALL WHOM THESE PRESENTS MAY CONCERN:

BE IT KNOWN, that YTAKE WATER COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Delaware, and qualified to and doing business within the State of Montana and the County of Dawson in said State, does hereby publish and declare, as a legal Notice to all of the world:

- I. That it has a legal right to the use, possession and control of 111.4 cubic feet per second (30,650 acre feet per year or 50,000 gallons per minute) of the waters of the Yellowstone River in Dawson County, Montana, for sale, rent, and distribution for irrigation, industrial, municipal and domestic purposes (and for each of such purposes).
- II. That the purposes for which said water is claimed are for sale, rent and distribution for irrigation, industrial, municipal and domestic purposes (and for each of such purposes). The piece of intended use for said purposes is upon the following described lands, (and through said lands, if it so desires, to any requisite point of final discharge):

Ted Schwinden, Governor
State of Montana

STATEMENT OF CLAIM
42M FOR EXISTING WATER RIGHTS
165351
OTHER USES
For the Water Courts of the State of Montana

RECEIVED

APR 28 1982

DEPT. OF NATURAL RESOURCES
AND CONSERVATION

1. Owner of Water Right Intake Water Company, A Delaware Corporation

Co-Owner or Other Interest Owner

Address P. O. Box 2511
City Houston State Texas Zip Code 77001
Home Phone No. Business Phone No. (713) 757-2323

2. Person completing form Echols
Address P. O. Box 2511
City Houston State Texas Zip Code 77001
Home Phone No. (713) 358-0604 Business Phone No. (713) 757-3323

3. Use: (Check Only One)
☐ Fish Raceways ☐ Geothermal ☐ Mining
☐ Fish & Wildlife ☐ Navigation ☐ Power Generation
☐ Commercial ☐ Fine Protection ☐ Recreation
☐ Industrial ☐ Agricultural Spraying ☐ Other
☐ Municipal ☐ Oil Well Flooding

4. Source of Water: (Check Only One)
☐ Spring Name
☐ Well Name
☒ Stream Name Yellowstone River Tributary of Missouri River
☐ Lake Name Stream
☐ Reservoir Name Stream
Tributary of

5. Point of Diversion: County Dawson County, Montana
RM W SE W Section 36 T 18 N R 56 E W
Lot Block Subdivision

6. Means of Diversion: ☐ Well Capacity 150,000 gpm
☒ Pumps
☐ Headgate with ditch or pipeline
☐ Instream use
☐ Other Explain

7. Means of Conveyance: ☐ Ditch Instream
☒ Pipeline ☒ Other Offstream Regulating Reservoir

Ted Schwinden, Governor
State of Montana

STATE OF MONTANA, Wibaux County, Montana

Section	City or Town	X Other	Section	City or Town	X Other
1	Wibaux		1	Wibaux	
2	Wibaux		2	Wibaux	
3	Wibaux		3	Wibaux	
4	Wibaux		4	Wibaux	
5	Wibaux		5	Wibaux	

Subdivision

9. Flow rate claimed. 200 cubic feet per second
gallons per minute
miners inches

10. Volume claimed: 80,650 acre-feet per year

11. Period(s) of use. January 1 to December 31 annually

12. Check one:
☒ Decreed Water Right
☒ Filed Appropriation Right
Priority date or date of first use June 18 1973
☐ Use Water Right

13. Attach copies of the Decree, Record of Filing or Record of Use Right. See Exhibits "A" through "D" hereto which are by this reference incorporated herein.

14. Attach copies of aerial photographs, U.S. Geological Survey maps or such other documents necessary to show point of diversion, place of use, place of storage and conveyance facilities. See Exhibits "E" through "G" hereto which are by this reference incorporated herein.

15. Notarized Statement signed by claimant.

STATE OF MONTANA, WYOMING, TEXAS

County of Harris

Gary I. Cheatham, Vice Pres. of Intake Water Company
a Delaware Corporation
being of legal age and being the claimant of this claim of existing water right, and the person whose name is signed to it as the claimant, know the contents of this claim and the matters and things stated therein are true and correct, to the best of my knowledge and belief.

Intake Water Company, a Delaware Corporation
By: Gary I. Cheatham
Title: Vice President
Subscribed and sworn before me, this 9th day of December, 1981

Jana Yancy
Notary Public for the State of Texas

Residing at Houston
My Commission expires 2-1-85

165351

Summary of Project

The waters claimed under the Notice of Water Right Appropriation which is the subject matter of the within and foregoing Statement of Claim, a copy of which is attached as Exhibit "A" thereto, have been appropriated for sale, rent and distribution to others, a beneficial use, for irrigation, industrial, municipal and domestic purposes (and for each of such purposes). This appropriation is the cornerstone of a project of Intake Water Company known as the Yellowstone Diversion Project. The project involves direct diversion from the source of supply, the Yellowstone River, at the point of diversion by means of pumps, a pumping station and a pipeline to an offstream regulating reservoir on Box Elder Creek, a tributary of the Yellowstone River.

Intake Water Company has been prosecuting the work by which the waters are to be diverted with reasonable diligence ever since June 8, 1973, as evidenced in part by the filing of the within and foregoing Statement of Claim.

When the project is completed, Intake Water Company will be ready and willing to offer water to all persons who are willing to pay for its use. Bailey v. Tintinger, 45 Mont. 134, 122 P. 575 (1912).

The pumping regime for the project contemplates a maximum yearly diversion of 80,650 acre-feet of water at a maximum pumping rate of 200 cubic feet per second on a periodic basis during each year. However, pumping at the maximum pumping rate of 200 cubic feet per second on a periodic basis will not exceed the 111.4 cubic feet per second rate of flow claimed in the Notice of Water Right Appropriation on a 12 month annual average basis in any given calendar year.

The natural incoming flow of Box Elder Creek will be measured by a gauge installation upstream from the reservoir, and will be passed through the reservoir outlet. This flow will not be maintained in the reservoir. Accordingly, the natural flow of Box Elder Creek is not a source of supply for the reservoir.

The pipeline from the pumping station to the offstream regulating reservoir will be approximately 11,000 feet in length or 2.22 miles long.

The purpose of the offstream regulating reservoir is to furnish water during times when diversions from the Yellowstone River are not possible due to weather or demands of water users with prior existing rights. There will be no pumping when pumping would interfere with prior existing rights. The pumping regime will minimize evaporation losses in the reservoir. The offstream regulating reservoir, sized at approximately 23,000 acre-feet, will allow for full use of Intake Water Company's water right and will be operated so as to maximize this right. The reservoir will fluctuate between full and empty (down to a base storage of 500 acre-feet).

SUMMARY OF PROJECT

Ted Schwinden, Governor
State of Montana

1/ 11/ 83

Commissioner of State Lands,

Dear Sir;

I am writing in regard to The "DRAFT ENVIRONMENTAL STATEMENT
YELLOWSTONE DIVERSION PROJECT
DAWSON COUNTY, MONTANA

INTAKE WATER COMPANY

We have a lease on Section 36 T. 18 N. Range 56 E, Lots
2, 3. 73.39 acres.

In the above referred to Statement, On page II-5, This
land is shown to be Federal Lands.

We think this should be corrected in a statement at the
hearing to be held Feb. 16/83. 7: P.M. Holiday Lodge
Basement.

We would also appreciate hearing in writing from you,
concerning this matter, before the hearing date.

page no. 004915

Sincerely,

GENTRY LAND AND LIVESTOCK, INC.
B. P. RT.
GLENDALE, MONT. 59330

Will we still be able to lease this land for grazing or
irrigation, after Intake's water project is in use?

Edith Gentry
Secretary

The alternative reservoir location map (Figure II-1 on page II-5 of the DES) on which
federal lands are indicated is not of a scale that tracts of this size could be readily
distinguished. The project general plan (Figure II-2 on page II-8 of the DES) clearly
shows that the portion of the NE 1/4 of Section 36 (where these lots are located) is
outside the area of disturbance. These lands are not a part of the YDP; their use is
a matter between the Montana Department of State Lands and Gentry Land &
Livestock.

102 Fir Street F.P., Glendive, MT 59330

February 28, 1983

Regional Director, Attention: 150
Upper Missouri Regional Office
Bureau of Reclamation
P.O. Box 2553
Billings, Montana 59103

Dear Sirs;

We would like to comment on the Draft Environmental Statement on the Yellowstone Diversion Project by Intake Water Company in Dawson County, Montana.

Our concerns are:

OFFICIAL FILE COPY	NO REPLY NEEDED-RT	1983	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	60
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1. Seepage from the proposed dam may cause saline seep problems on land adjacent to the dam. The geology of the upstream sides of the dam does not lend itself well to stopping seepage - especially if the water is 100' deep. The many layers of sandstone, shale, coal, silt, etc. on the sides of the reservoir will surely permit a high seepage situation. Adjacent land could be severely affected by new springs that could form as water from the dam follows the easily permeable layers of strata. This water could pick up natural salts in solution and resultant seepage would be high in these dissolved minerals. We feel more geological information is needed. This project is constructed.

2. We feel better land is being flooded in bottom of Boxelder Creek than is indicated in the report. There are very good soils there and are very productive rangeland. The only reason they are not farmed is due to the location and that the landowners are committed to livestock operations. In Section 13, there has been waterspreading systems developed and hawland developed in the bottom of the creek.

3. The Environmental Study says Intake Water Company will provide water for resale, rent and distribution for irrigation, municipal, domestic and industrial uses. None of these proposed uses are spelled out. The high cost of this water will make it too costly for ranchers, cities, and individuals to use. It is obvious the only users of the water will be industry.

4. The Dawson County Conservation District is concerned that pumping to fill the dam be done only when the Yellowstone River is high. Despite assurances in the report this item is critical. Downstream users have a hard time getting water now when stream flow is low.

Thank you.

Sincerely,

Sincerely,
Mike Carlson

Mike Carlson, District Conservationist

CONSERVATION · DEVELOPMENT · SELF-GOVERNMENT

Permeability data of the Box Elder valley floor and canyon walls has been analyzed through a drilling program. The selection of Box Elder reservoir was partially based on the favorable results of that analysis. Prior to final design of the dam and reservoir, an extensive drilling program will be conducted to obtain detailed geological information.

In terms of seepage, the many strata in the canyon walls will permit an estimated seepage rate of 25 acre-feet per year as described on page III-15 of the DES. Due to a limited time period in contact with the various strata, seepage is likely to be less concentrated with dissolved minerals than that of existing area groundwater. Also, the only adjacent lands with potential of being affected by new springs is that below the dam. The cutoff trench, grout curtain and drainage within the dam is anticipated to catch the majority of this seepage, thus limiting the potential for creation of downstream springs. Also, being within the Yellowstone alluvium, direct contact may occur which would preclude development of springs.

Some soils at the Box Elder site were identified as "prime if irrigated" and "of statewide importance" (page III-22 of the DES) which indicates they are good soils. The rangeland was also recognized as being good, as the number of AUM's that was calculated for the reservoir site (page III-29 of the DES) was based on an assumption of good range condition as provided by the SCS for the various range sites. Hayland in Section 18 was not identified in the DES because it was not identified in the survey which provided data for the baseline vegetation map. As identified during a field reconnaissance conducted on March 23, 1983, small areas have been flood irrigated for hay production.

This concern was acknowledged in the DES (pages I-2 through I-5). We agree that at the present time water probably would be too expensive for use by individuals and irrigation.

This concern was addressed in the DES (pages III-5 and 7) and within this supplement page C-26).

OFFICIAL FILE COPY	
Lower Yellowstone Assoc. Box 571 Glennville, MT 59501 February 22, 1983	0-FEB 25 1983 oc. BY MAIL DELIVERY MAIL ROOM FEB 25 1983 150 2-25 154

Vern Lindquist, President
Lower Yellowstone Outdoor Association

Eley F. Denson
Environmental Affairs Officer
Bureau of Reclamation
P.O. Box 2555
Billings, MT 59103

Dear Mr. Denson:

It is the desire of the members of the Lower Yellowstone Outdoors Assoc. that a high level of priority be given to wildlife and fish plus hunting and fishing recreation in the development of the Intake Water Co. reservoir on Bonholder Creek.

LYOA would like to see the reservoir and its surrounding land managed for wildlife and fish production and use of hunting and fishing. A large area of productive habitat will be inundated and we ask that compensation for the disruption to wildlife and hunting be made. The valley occupied by the reservoir and its surrounding area has more deer than the 10 surveyed during the 1970's. The habitat area of a population of 100 in 1970's. The habitat area surrounding the reservoir should be enhanced to try to maintain this deer population which will be disrupted by the presence of the reservoir.

Since a fluctuating level will not be conducive to the natural development of a shoreline habitat for waterfowl, we suggest that a large number of floating (anchored) islands be installed. These islands would provide secure resting and nesting locations, and if done properly, would even develop vegetation on them.

We hope that fish will be stocked in the reservoir and that fishing will be allowed.

Sincerely,

Vern Lindquist
Vern Lindquist, President
Lower Yellowstone Outdoors Assoc.

1 Management plans for fish and wildlife will be designed and implemented upon purchase of project lands. The intent of these plans is described in the Memorandum of Understanding signed by IWC and MDFWP (pages C-4 through C-12 of the DES).

2 We agree that populations fluctuate. Most area of the reservoir pool is not prime deer habitat. Wooded areas adjacent to the reservoir which are prime deer habitat would not be affected. In fact, these areas will be enhanced where possible as agreed upon in the previously mentioned Memorandum of Understanding.

3 This suggestion will be referred to the Montana Department of Fish, Wildlife and Parks. The technique of floating islands is typically utilized to enhance production of waterfowl in areas where there is potential for other habitat. We do not feel that the reservoir will provide the necessary habitat.

4 The agreement which provides that fishing will be permitted and plans to stock the reservoir was included on pages C-11 and 12 of the DES.



Town Of Wibaux

WIBAUX, MONTANA 59353

Montana Centennial Train Car - Official State Traveler

On Interstate 94

February 18, 1983

Joe J. Kojancik
Mayor

Pierre Wibaux

Regional Director, Attention 150
Upper Missouri Regional Office
Bureau Of Reclamation
P. O. Box 2553
Billings, Montana 59103

Dear Sir:

I have read the Draft Environmental Statement of Intake Water Company's Yellowstone Diversion Project and I find the information to be accurate and very well done and I recommend that this statement be approved by the Bureau of Reclamation.

In the late 1960's the Wibaux Chamber of Commerce made a strong effort to get the Bureau of Reclamation to draw plans and to secure funding for the construction of a dam on Beaver Creek to create a reservoir to be used for recreation and a future water supply for the town of Wibaux. The Bureau of Reclamation drew up the plans for the project but no funds were authorized mainly because of a statement made that there would be insufficient run off of water to keep the reservoir filled.

Intake Water is proposing to give the area a water reservoir without any cost to the taxpayer. Contrary to the few voices that you hear opposing the project, I find that a great majority of the people favor Intake's plan but have not come forward to make themselves heard.

Eastern Montana and specifically Wibaux need an employer to put young people to work. With more than 11% unemployment rate in Wibaux County I feel that it is necessary for people like myself to make ourselves heard and to encourage employers like Tenneco to come to our area and use the resources available.

I urge that you give a favorable decision for Intake Water's application for the diversion project.

Very truly yours,

Joe J. Kojancik, Mayor
Town of Wibaux
Wibaux, Montana 59353

cc: Dennis Sandberg
Tenneco

Joe J. Kojancik, Mayor
Town of Wibaux

No response necessary.

According to the Federal Land Management Policy Act of 1976 (Sections 102 and 202), disposal of public lands to private interests must serve the public interest and weigh the long-term benefits to the public against short-term gains. IWC has not demonstrated public need.

The authority to issue rights-of-way permits for such private uses is contained in the 1902 and 1939 Reclamation Acts and in 43CFR429 (in press as of March 16, 1983 when this response was drafted). The project will result in an increase of water based recreation.

Tenneco's plans for end use of the water in a gasification plant would violate the Yellowstone Compact. The DES did not make the relationship between Tenneco and IWC clear.

Intake Water Company (IWC) is a wholly owned subsidiary of Tenneco, Inc. No efforts have been made to conceal this fact as indicated on pages C-5 through C-12 in the DES. Use of IWC's water right is governed by law, and the Yellowstone Compact does not permit out-of-basin transfer of water. As stated in the water right, any beneficial end use is permitted within legal constraints as indicated on page C-27 and C-30 of this supplement.

Critical low flow level needs to be accurately quantified.

In terms of the YDP, critical low flow is defined as 4,400 cfs during the irrigation and 2,000 cfs during the non-irrigation seasons (pages III-5 and C-2 and 3 of the DES). Diversion will not occur below these levels to protect downstream uses. In terms of aquatic habitat and organisms, critical low flow may be defined as a point at which a change in the character or condition is realized. As mentioned on III-20 C-2, C-7 and C-8 of the DES, a critical low flow of 5,000 cfs has been identified for an area below the LYID dam during the months of April and May to protect fish spawning habitat. IWC has agreed to make every effort to protect the character and condition of that resource. IWC will also work with MDFWP to assess the potential impact on fishery resources and implement appropriate mitigative measures as outlined on page C-7 and C-8 of the DES.

Is there more cropland than identified in the DES; is any of it prime farmland?

The soils within the reservoir site do not qualify as prime farmlands by the strict definition of the term as used by the USDA. They are, however, "prime if irrigated" and "of statewide importance" as stated on page III-22 of the DES and C-38 of this supplement. Cropland was surveyed during the vegetation studies and accurately described according to existing conditions. The soils that are present indicate that cropland could be developed over most of the area of project disturbance; however, current ranching operations has precluded agricultural operations.

How much additional private land beyond that needed for the reservoir pool will be acquired?

Lands to be acquired in addition to the reservoir pool will depend upon final negotiation and sale/lease from the landowner. It is likely that the agreement will be based on legal subdivisions and not meets and bounds, to obtain only those lands necessary for project use.

Is the existing road system adequate to handle project traffic, both labor and construction materials?

It is anticipated that borrow material for facilities construction will come from the reservoir site and not impact existing roads. The labor force and facilities equipment will use existing roads and are anticipated to handle the traffic without significant impact. Maintenance of the roads will be necessary.

What will be the impact on ranching operations from loss of springs, ponds, or potholes, and a flowing well in the reservoir site?

See the response to comment on page C-17 of this supplement which addresses the question of the presence of springs, ponds, and potholes. A well which flows approximately 20 gpm is located within the reservoir site in the northeast corner of Section 7. This issue will be resolved between the landowner and IWC during property acquisition.

How will grazing be affected in the project area?

Grazing will be eliminated (during the life of the project) from the pump station site on Joe's Island, the reservoir site, and possibly a limited area below the dam and around the reservoir. Negotiation of project boundaries will determine the exact amount of land to be utilized.

Which is the preferred borrow site for the dam and other facilities materials?

The preferred borrow site at this time is Site 4 which is located in Section 9, T17N-R57E (as described in the DES on page II-18). This site will be used for rip-rap and gravel. The dam site will also be used for soil cement and general fill for the embankment. Detailed field drilling and laboratory testing of these sites must be completed to further identify the quality and quantity of materials prior to final selection.

How will transmission and telephone lines which are located on the reservoir site be handled?

The transmission and telephone lines run from Belle Prairie Road in Section 12 across the reservoir site to River Road in Section 4. Both utilities have indicated that the lines could be relocated along Belle Prairie Road north to the intersection of River Road and along River Road to reconnect to the existing lines. Limited impact due to disturbance associated with relocation is anticipated. Rights-of-way will be acquired where necessary.

Will additional recreation in the project area require "policing" of private lands by landowner?

As discussed on page C-11 of the DES, MDFWP has committed to law enforcement and protection of private lands as associated with additional recreational use of project lands and adjacent areas.

ENVIRONMENTAL COMMITMENTS

A list of environmental commitments will be developed by the project team and will be included in the project charter. These commitments will be used to monitor and report on the project's environmental performance. The commitments will be used to track the project's progress and to ensure that the project is meeting its environmental goals.

APPENDIX D

ENVIRONMENTAL COMMITMENTS

- a. The project team will develop and implement a project environmental management plan (EMAP) that will identify the project's environmental goals, objectives, and commitments. The EMAP will be used to track the project's progress and to ensure that the project is meeting its environmental goals.
- b. The project team will develop and implement a project environmental impact assessment (EIA) that will identify the project's potential environmental impacts and develop measures to avoid, minimize, and compensate for those impacts. The EIA will be used to inform decision-making and to ensure that the project is meeting its environmental goals.
- c. The project team will develop and implement a project environmental monitoring and reporting system (EMRS) that will track the project's environmental performance and report on that performance to the project sponsor and the public. The EMRS will be used to ensure that the project is meeting its environmental goals.
- d. The project team will develop and implement a project environmental communication plan (ECP) that will identify the project's environmental communication goals, objectives, and commitments. The ECP will be used to ensure that the project is meeting its environmental goals.
- e. The project team will develop and implement a project environmental training plan (ETP) that will identify the project's environmental training goals, objectives, and commitments. The ETP will be used to ensure that the project is meeting its environmental goals.
- f. The project team will develop and implement a project environmental emergency response plan (ERP) that will identify the project's potential environmental emergencies and develop measures to respond to those emergencies. The ERP will be used to ensure that the project is meeting its environmental goals.
- g. The project team will develop and implement a project environmental closure plan (ECP) that will identify the project's potential environmental impacts at closure and develop measures to avoid, minimize, and compensate for those impacts. The ECP will be used to ensure that the project is meeting its environmental goals.
- h. The project team will develop and implement a project environmental legacy plan (ELP) that will identify the project's potential environmental legacy and develop measures to avoid, minimize, and compensate for that legacy. The ELP will be used to ensure that the project is meeting its environmental goals.

ENVIRONMENTAL COMMITMENTS

A list of environmental commitments which would be implemented, should permits for the project be granted, is presented below. These commitments have been made through coordination and consultation of IWC, BR, USFWS, and MDFWP.

- o The dam and associated facilities would be designed to safety standards which would protect against flooding;
- o Construction activities in the flood channel would be conducted during dry periods to limit areas of disturbance and soil erosion;
- o Construction of a gravel all-weather road on Joe's Island with the approximate existing contour so as not to impede flood or ice flows;
- o Dam construction design to minimize seepage and associated potential impact;
- o Fencing of construction areas for protection of domestic livestock;
- o Monitor Yellowstone River flow utilizing electronic sensing to automatically shut down pumping during low or critical flow conditions, in the event of river screening malfunctions, or when the reservoir reaches capacity;
- o Salvage of topsoil from disturbed areas to be used in reclamation;
- o Revegetation of disturbed areas with approved seed mixtures and

planting of trees for screening of facilities;

- o Use of existing access to project facilities where possible. Design of access bridge to Joe's Island to include total span or single pillar support minimizing potential for jamming of ice and debris;
- o Construction of heli-pad for maintenance and emergency access during periods of high water;
- o Construction of the transmission line utilizing conductor spacing to prevent accidental electrocution of birds;
- o Seeding, riprapping and other stabilization measures for erosion control during construction and operation;
- o Assisting in the maintenance and operation of the low-head dam to assure that the LYID would not be impacted by the YDP diversion;
- o MDFWP will be allowed to utilize lands not needed for project purposes as wildlife management areas (Exhibit C-1 of the DES);
- o Incorporating "state of the art" design into the intake structure to reduce potential impacts of entrainment and impingement of fish and fish eggs. IWC has also agreed to allow studies to be performed on its effectiveness and will operate the instrumentation pursuant to recommendations resulting from the studies as long as it does not adversely affect the pumping regime (Exhibit C-2 of the DES);
- o Allow 5000 cfs instantaneous minimum flow to pass the point of

diversion during April and May to protect downstream fish spawning habitat as long as it does not interfere with IWC's water rights. IWC will also notify MDFWP of intended pumping plans when river flows fall to or below 5000 cfs during those months (Exhibit C-3 of the DES). Also, flows will not be reduced below 4400 cfs during the irrigation season when water is needed by the LYID;

- o Assisting MDFWP in the construction of recreational facilities on Joe's Island. The facilities would be constructed at the same time as the YDP facilities using the all-weather road for access. MDFWP will obtain all necessary clearance for the facilities and be responsible for their maintenance (Exhibit C-4 of the DES);
- o Allowing public access to the reservoir for recreational purposes; however, MDFWP will have sole responsibility of maintenance and policing the facility. IWC will have sole right to the water for beneficial use and limited liability for recreational use of the reservoir as defined in current statutes (Exhibit C-5 of the DES); and
- o Upon completion, facilities would be painted to blend into the surrounding environment.

E-133782